

LAWS OF
INDIANA

General Laws .

Twenty Seventh Session
1842-43

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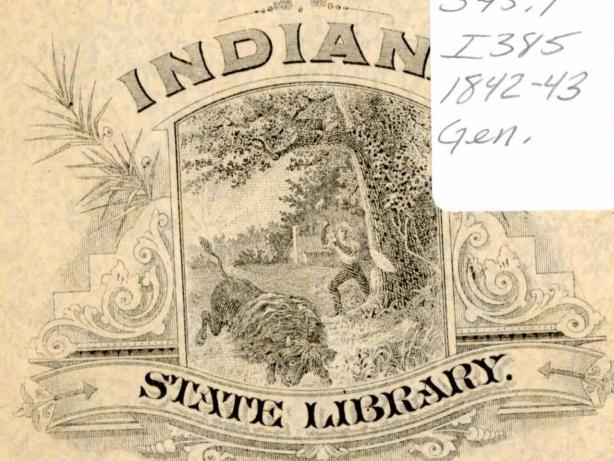
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February 24, 1908

Wm. S. Butterfield, Linn, Ind.

GENERAL LAWS

OF THE

STATE OF INDIANA,

PASSED AT THE

TWENTY-SEVENTH SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE FIRST MONDAY IN DECEMBER, A. D., 1842.

By Authority.

INDIANAPOLIS:

DOWLING & COLE, STATE PRINTERS.

1843.

GENERAL LAWS.

CHAPTER I.

An Act to amend an act entitled "An act to provide for a more uniform mode of doing township business in the several counties therein named," approved February 17th, A. D., 1838.

[APPROVED FEBRUARY 11th, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Sessions, State of Indiana,* That hereafter there shall be but two regular sessions of the board of trustees of the several townships in the counties of Whitley, Noble, Steuben, De Kalb, and Lagrange, which shall be held on the first Mondays of March and September in each year: *Provided*, that said boards shall have power to hold special sessions, not to exceed two in one year, whenever in their opinion the interest of the township requires it, and shall have full power to transact any and all business at such special sessions as at any other session, and shall receive seventy-five cents per day for their services.

SEC. 2. *Be it further enacted,* That it shall be the duty of the township trustees of the several townships in said counties of Whitley, Noble, Steuben, De Kalb, and Lagrange, at their March session in each year, to make a levy on all property subject to taxation for county purposes, such per cent. as they may deem necessary, not exceeding one-half the amount of county tax, for township purposes, and certify the same to the board doing county business, on or before the first Monday in June, annually.

SEC. 3. *Be it further enacted,* That it shall be the duty of the county auditor, in making out the tax duplicate each year, to place in a separate column for that purpose, the amount of such tax so levied and certified for township purposes, which shall be collected by the collector of State and county revenue, at the same time and in the same manner that is provided for the collection of other taxes. The said collector shall be authorized to retain

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for his services the same compensation that now is, or that may hereafter be allowed by law for collecting the county revenue. And it is hereby made the duty of said collector to pay over to the several township treasurers in said county, the amount of revenue so assessed and collected, on or before the first Monday of March, annually; and in case of his failing to pay the same, or any part thereof, suit may be brought against him, or against him and his securities, by the township treasurer, in the same manner that is now allowed by law in cases of a failure to pay over the county revenue.

Supervisors' returns.

SEC. 4. *Be it further enacted,* That all the supervisors elected or appointed under the provisions of this act, or the act to which this is an amendment, shall respectively make their returns to the township trustees on the first Monday of March, annually, with whom they shall make settlement; at which time they shall file with the proper township clerk, a list of the names of all persons in his road district who are liable to perform labor on roads and highways, from which list the township clerk shall make out a true copy and furnish each and every supervisor of his proper township, immediately after they shall be qualified to act as such.

Oath of township officers.

SEC. 5. *Be it further enacted,* That all township officers elected or appointed agreeably to the provisions of this act, or the act to which this is an amendment, shall take an oath or affirmation before some person authorized to administer the same, and file a certificate of such officer administering said oath, with the clerk of the township, within ten days from the time of his election or appointment; and if any person so elected or appointed as aforesaid, shall fail or neglect to serve, or comply with the provisions of this section, [he] shall forfeit and pay the sum of two dollars, to be recovered by an action of debt, before any justice of the peace of the proper township: *Provided*, that the trustees shall have power to exonerate any person within ten days after his election or appointment, upon being satisfied of the justice of their plea for not so serving.

Proviso.

Trustees to decide upon claims, &c.

SEC. 6. *Be it further enacted,* That the township trustees shall have power to decide upon all claims against their respective townships, and allow all compensation to officers of said townships, not exceeding seventy-five cents per day while in actual service; and the said township trustees shall not hereafter receive more than seventy-five cents per day for their services while actually employed as aforesaid.

Justices ex officio overseers of poor.

SEC. 7. *Be it further enacted,* That hereafter all justices of the peace of said counties of Whitley, Noble, Steuben,

De Kalb, and Lagrange, be, and they are hereby constituted *ex officio* overseers of the poor for their respective townships in their respective counties.

SEC. 8. All laws and parts of laws coming within the Repeal. purview of this act, or contravening any of its provisions, be, and the same are hereby repealed, so far as the same relate to the counties of Whitley, Noble, Steuben, De Kalb, and Lagrange.

SEC. 9. This act to take effect and be in force from and after its passage.

CHAPTER II.

An Act fixing the time of holding Courts in the First Judicial Circuit.

[APPROVED FEBRUARY 11th, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the First circuit. State of Indiana,* That the courts in the first judicial circuit shall be holden on the following days and times, to-wit: In the county of Tippecanoe, on the last Mondays in February and August; in the county of Benton, on the Mondays succeeding the courts in Tippecanoe county; in the county of Warren, on the Thursdays succeeding the courts in the county of Benton; in the county of Fountain, on the Mondays succeeding the courts in the county of Warren; in the county of Montgomery, on the Mondays succeeding the courts in the county of Fountain; in the county of Clinton, on the Mondays succeeding the courts in the county of Montgomery. The said courts, at each term thereof, in the county of Tippecanoe, shall sit eighteen days, if the business require it; the courts in the counties of Fountain and Montgomery shall sit twelve days each, if the business require it; the courts in the county of Warren shall sit nine days, at each term thereof, if the business require it; the courts in the county of Benton shall sit three days, at each term thereof, if the business require it; the courts in the county of Clinton shall sit six days, at each term thereof, if the business require it.

SEC. 2. Whenever it shall happen that the days fixed by law for the holding of the sessions of the courts doing county business shall fall within the periods prescribed by this act for the holding of the sessions of the circuit courts, then the sessions of the courts doing county busi-

Provision when courts clash.

ness shall be accelerated to the Mondays previous to the sittings of the circuit court; and when it shall so happen that the times fixed by law for the sessions of the probate court shall fall within the periods prescribed by this act for the sessions of the circuit court, then the sessions of the probate court shall be postponed to the Mondays subsequent to the time hereby fixed for the termination of such circuit court.

Process.

SEC. 3. All writs, subpœnas, or other process which may have issued from either of said circuit courts since the last sittings thereof, or which may hereafter issue therefrom, previous to the reception of a copy of this act at the proper clerk's office, shall be deemed and taken as, and are hereby made returnable to the first day of the first term of the proper court, to be holden by virtue of this act; and all suits, pleas, plaints, prosecutions, recognizances, actions, motions, or other proceedings, either civil or criminal, which are now pending, or which may hereafter be pending, prior to the reception of a copy of this act at the proper clerk's office, shall be taken up and acted upon at the first term of the proper court, to be holden by virtue of this act, and be disposed of according to law, in the same manner as if no alteration had been made in the time of holding such courts.

Parties to notice change

SEC. 4. All parties, persons, and officers, are hereby required to take notice of the changes of the terms of the boards doing county business, and probate courts, which may be produced, and all the transactions of business, and the discharge of all duties, official or personal, shall be accelerated or postponed to the time or times to which by this law the times of such courts may be accelerated or postponed.

Repeal.

SEC. 5. All laws and parts of laws coming in conflict with this, be, and the same are hereby repealed.

SEC. 6. This act to be in force from and after the passage thereof; and the Secretary of State is required to forward copies of this act to the clerks of the respective counties in said judicial circuit forthwith after the passage thereof, and the several clerks in said circuit are hereby required to file the same in their respective offices.

CHAPTER III.

An Act fixing the times of holding Circuit Courts in the Eighth Judicial Circuit, and in the Fifth Judicial Circuit.

[APPROVED FEBRUARY 3d, 1843.]

SEC. 1. Be it enacted by the General Assembly of the Eighth circuit State of Indiana, That the courts in the eighth judicial circuit shall be held as follows: In the county of Cass, on the third Monday in February and August; in the county of Miami, on the Monday succeeding the courts in the county of Cass; in the county of Wabash, on the Monday succeeding the courts in the county of Miami; in the county of Fulton, on the Monday succeeding the courts in the county of Wabash; in the county of Pulaski, on the Friday of the week courts are holden in the county of Fulton; in the county of Jasper, on the Monday succeeding the courts in the county of Fulton; in the county of White, on the Friday succeeding the commencement of the courts in the county of Jasper; in the county of Carroll, on the Monday succeeding the courts in the county of Jasper. The courts in the county of Cass shall sit for two weeks at the spring term, and three weeks at the fall terms; in the counties of Miami and Wabash, for one week at each term; in the counties of Fulton and Jasper, for four days; in the counties of Pulaski and White, for two days each; and in the county of Carroll, so long as the business may require.

SEC. 2. The courts in the fifth judicial circuit shall be held as follows: In the county of Shelby, on the third Thursday in February and August; in the county of Bartholomew, on the first Monday in March and September; in the county of Johnson, on the third Monday in March and September; in the county of Hancock, on the fourth Monday in March and September; in the county of Hendricks, on the second Monday in April and October; in the county of Boone, on the fourth Monday in April and October; in the county of Hamilton, on the Monday succeeding the courts in the county of Boone; in the county of Marion, on the Monday succeeding the courts in the county of Hamilton. The courts in the county of Marion shall sit three weeks; in the counties of Bartholomew and Hendricks, two weeks; in the county of Shelby, nine days; and in the counties of Johnson, Hancock, Boone, and Hamilton, one week in each, if the business require it.

SEC. 3. That all writs, venires, subpœnas, rules, orders of court, recognizance, publications, and all process

Process.

whatever, which may have issued from any circuit court in said circuits since the last session thereof, or which may hereafter issue, previous to taking effect of this act, shall be deemed and taken to be, and are hereby made returnable to the first day of the first term of the several courts, to be holden by virtue of this act; and all suits, actions, and other proceedings now pending, or which hereafter may be pending, shall be taken up and acted upon, at the time of such court to be holden under this act, and be disposed of in the same manner as if no alteration had been made in the time of holding such courts.

SEC. 4. This act shall be in force from and after its publication in the Indiana Journal and State Sentinel, and a copy of such publication is received by the different clerks in the different counties; and it is hereby made the duty of the Secretary of State to forward to each of the clerks of said courts, a copy of the Indiana Journal and State Sentinel, containing this publication.

CHAPTER IV.

An Act supplemental to "An act fixing the time of holding circuit courts in the Eighth Judicial Circuit, and in the [Fifth] Judicial Circuit, approved February 3d, 1843.

[APPROVED FEBRUARY 13th, 1843.]

Shelby circuit SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all common law suits, and other proceedings now pending, or which may hereafter be pending, in the Shelby circuit court wherein the declaration shall have been filed, and process shall have been served on or before the thirteenth day of February, A. D. 1843, shall be taken up and acted upon at the next term of said court, to be holden under the act to which this is supplemental, and be disposed of in the same manner as if the declaration had been filed, and process served ten days before the first day of the said court: *Provided, however,* the court may, for cause shewn, grant to either party a continuance.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER V.

An Act fixing the time of holding Courts in the Ninth Judicial Circuit.

[APPROVED, DECEMBER 29th, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the Ninth Circuit, State of Indiana,* That the Circuit Courts in and for the counties composing the ninth Judicial Circuit of this State, shall hereafter be commenced and holden at the times following, to-wit: in the county of Lake on Thursday the second day of March, and on Thursday the thirty-first day of August; in the county of Porter, on the first Mondays of March and September; in the county of Laporte, on the second Mondays of March and September; in the county of St. Joseph, on the fourth Mondays of March and September; in the county of Marshall, on the third Mondays of April and October; in the county of Kosciusko, on the fourth Mondays of April and October; in the county of Elkhart, on the first Monday of May and last Monday of October. The said circuit court shall sit in the said county of Lake, three days; in each of the said counties of Porter, Marshall, and Kosciusko, six days; and in each of the said counties of Laporte, St. Joseph, and Elkhart, twelve days, if the business in the said counties shall severally require such time.

SEC. 2. That all writs, subpœnas, venires, rules, or Process, orders of court, recognizances, publications, and all process whatever which may have issued from any circuit court in said circuit, since the last session thereof, or which may hereafter issue previous to the taking effect of this act, shall be deemed and taken to be, and are hereby made, returnable to the first day of the first term of the said several courts, to be holden by virtue of this act: and all suits, actions, and other proceedings now pending, or which hereafter may be pending, shall be taken up and acted upon at the time such court shall be holden under this act, and be disposed of in the same manner as if no alteration had been made in the time of holding such court.

SEC. 3. It shall be lawful for the judges of any circuit court in said circuit, if they shall deem it expedient, to hold special sessions of said circuit courts for the transaction of chancery business, and the said judges may, at any regular term of any of said courts, appoint the time or times for holding such special term or terms, which time so appointed they shall cause to be entered of record in said court; and all business, orders, or decrees, done or

transacted at such special term, shall have the same binding force and effect upon the parties thereto as if the same had been performed and done at a regular term of said court: *Provided*, that no original process shall be made returnable to such special term, nor shall any decrees or orders, *pro confesso*, be made or passed at such special term, unless the defendant or defendants shall have previously, at some regular term, appeared to said action, and in case of such previous appearance and default at such special term, it shall be discretionary with the judges of such court, whether they will consider or act in such case or cases or not.

SEC. 4. This act shall be in force from and after its passage, and publication in the Indiana Journal and State Sentinel; and it is hereby made the duty of the Secretary of State, to immediately forward to each of the clerks of said circuit courts, a certified copy thereof.

CHAPTER VI.

An Act fixing the time of holding Courts in the Eleventh Judicial Circuit.

[APPROVED, JANUARY 10th, 1843.]

Eleventh Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the courts in the eleventh Judicial circuit shall be holden on the following days and times, to-wit: in the county of Randolph, on the first Mondays of March and September; in the county of Delaware on the third Mondays of March and September; in the county of Madison, on the Mondays succeeding the courts in the county of Delaware; in the county of Grant, on the Mondays succeeding the courts in the county of Madison; in the county of Jay, on the Mondays succeeding the courts in the county of Grant; in the county of Blackford, on the Mondays succeeding the courts in the county of Jay; and the courts in the counties of Randolph, Delaware, Madison, and Grant, at each term thereof, shall sit twelve days each, if the business thereof require it; and the courts in the counties of Jay and Blakford, shall sit six days each, if the business thereof require it.

Provision where courts clash.

SEC. 2. Whenever it shall happen that the days fixed by law for the holding of the sessions of the boards doing county business, shall fall within the periods prescri-

bed by this act for the terms of holding the circuit courts, then the sessions of the boards doing county business shall be accelerated to the Mondays previous to the sittings of the circuit court; and when it shall so happen, that the times fixed by law for the sessions of the probate court shall fall within the time prescribed by this act for the session of the circuit court, then the sesions of the probate court shall be postponed to the Mondays subsequent to the time hereby fixed for the termination of such circuit court.

SEC. 3. All process made returnable to any of the Process. courts of the respective counties aforesaid, to the times heretofore fixed for holding of the sessions thereof, shall be and the same are hereby declared and made returnable to the first days of the terms of said court, as fixed by this act; and all persons, parties, and officers, are hereby required to take notice of the changes of the terms of said courts severally hereby made; and all the transactions of business, and the discharge of all duties, official and personal, shall be accelerated or postponed to the time or times to which, by this law, the times of such courts may be accelerated or postponed.

SEC. 4. All laws and parts of laws coming within the Repeal. purview of this act, be, and the same are hereby repealed.

SEC. 5. This act to be in force from and after its passage, and shall be published in the Indiana Jocrnal and State Sentinel; and the Secretary of State is required to forward copies of this act to the clerks of the respective counties in said judicial circuit forthwith, of the passage thereof.

CHAPTER VII.

An Act to authorize a special session of the Johnson circuit court.

[APPROVED, DECEMBER 22, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State When to be held. of Indiana*, That the judges of the Johnson circuit court be, and they are hereby authorized to hold a special session of said court, to commence on Thursday the twelfth day of January next, for the trial of John H. Pugh, now confined in the jail of Johnson county, charged with the crime of burglary.

SEC. 2. The said John H. Pugh shall have ten days Notice.

Jurors.

notice of the time of said special session, to be given by the Sheriff of said county in writing.

SEC. 3. It shall be the duty of the clerk of the Johnson circuit court, to issue a venire to the Sheriff of said county, commanding him to summon eighteen free-holders or house-holders of said county to serve as grand jurors for said term, and also a venire to said Sheriff, commanding him to summon twelve free-holders or house-holders of said county, to serve as petit jurors for said term, and upon the failure of any of said jurors to attend, the vacancy shall be filled by said Sheriff from among the bystanders.

Court may adjourn from day to day, &c, SEC. 4. The court when so convened, may adjourn from day to day until said prisoner is fully tried and disposed of, and the prosecuting attorney for said circuit, shall attend and prosecute said prisoner; and the said court shall in all things not herein provided for, proceed in all things as in the trial of criminals at the regular session of the circuit court.

SEC. 5. This act to be in force from and after its passage, and the filing of a certified copy of this act in the clerk's office of said county.

CHAPTER VIII.

An Act to prescribe the times and manner of holding the circuit court in Allen county, and to provide for a special term thereof.

[APPROVED, DECEMBER 27, 1842.]

Terms, when held. **SEC. 1.** Be it enacted by the General Assembly of the State of Indiana, That the next regular term of the Allen circuit court shall commence on the first Monday in February next, and be held until the Saturday next preceding the court in Adams county, and that thereafter the said Allen circuit court shall commence its regular session on the second Mondays of February and August, and be held at each of said terms until the Saturdays next preceding the courts in the county of Adams, if business therein shall so long require.

Process, SEC. 2. All process returnable to the said Allen circuit court shall be, and the same is hereby declared and made returnable to the first day of the term of said court, as fixed by the first clause of the first section of this act.

Other counties not affected. SEC. 3. That nothing in this act contained, shall in

any manner affect or change the times of holding courts in any other county in said twelfth circuit, than in the said county of Allen.

SEC. 4. That in addition to the said regular terms of Additional said court, the judges thereof shall annually hold a term of said court, for the purpose of making up issues, and trying questions of law, in all such civil causes as may be pending in said court; and for the purpose of hearing, trying, and determining chancery cases, and all such civil cases at law, as may by consent of parties, be submitted to the court, or to the court and a jury of talesmen; which term of said court shall commence on the first Monday in July, in each year, and sit so long as the business thereof shall require: *Provided*, that nothing in Proviso. this section contained, shall in any manner affect the trial of issues at law, or chancery causes, at any regular term of said court.

SEC. 5. That the clerk of said county of Allen shall Causes, how docket all civil causes now pending in said Allen circuit docketed. court, or that may hereafter be commenced therein, or brought there by appeal, in the order in which such suits have been or shall be commenced, giving preference to said suits, according to the priority in date of commencement, without reference to the title or name of the action, whether by appeal or otherwise: *Provided*, that chancery causes shall be docketed in the manner heretofore provided by law.

SEC. 6. This act shall be in force from and after its passage.

CHAPTER IX.

An Act to authorize a special session of the Floyd circuit court.

[APPROVED, DECEMBER 19, 1842.]

SEC. 1. Be it enacted by the General Assembly of the When to be State of Indiana, That the judges of the Floyd circuit held. court are hereby authorized to hold a special session of said court, to commence on the first Monday in January, eighteen hundred and forty-three, and to continue as long as the business herein provided to be performed shall require it, for the purpose of trying, or otherwise disposing of their cases, any and all persons who may on said first

Notice.

Monday in January, be confined in the jail of said county on any criminal charge.

SEC. 2. It shall be the duty of the Sheriff of Floyd county, or the person acting as such, on being informed of the passage of this act, to inform each and every person in the jail of said county, on any criminal charge, of the passage of this act, and to receive from them such directions as to procuring their witnesses, as they, or either of them may desire to give, and to take the ordinary steps to procure the attendance of the same.

Jurors.

SEC. 3. It shall be the duty of the clerk of the Floyd circuit court, on being informed of the passage of this act, to issue a venire to the Sheriff of said county, or to the person acting as such, commanding him to summon fifteen free-holders of said county to serve at said term as grand jurors; and, also, a venire commanding said Sheriff to summon twelve free-holders or house-holders, to serve as petit jurors at said term, and failure of any such jurors to attend, may be supplied by said court from bystanders.

Adjournment. **SEC. 4.** The court when convened, may adjourn from day to day until said prisoners are all tried, and the prosecuting attorney of said circuit shall attend and prosecute said prisoners; and said court shall, in all things not herein expressly provided, proceed as in the trial of criminals at a regular term of the circuit court.

SEC. 5. This act shall be in force from and after its passage.

CHAPTER X.

An Act providing for a special term of the Montgomery circuit court, and for other purposes.

[APPROVED DECEMBER 20, 1842.]

When to be held.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be held a special term of the Montgomery circuit court, to commence on the first Monday in January, in the year of our Lord eighteen hundred and forty-three, and to continue so long as the business herein provided for may require, for the purpose of trying or otherwise disposing of the cases of Aris B. Walker, and William Smith, now confined in the common jail of said county of Montgomery.

Grand jury.

SEC. 2. It shall be the duty of the clerk of said court, to issue a venire for sixteen reputable householders or freeholders of said county, to serve as a grand jury at

such special term, which venire may be issued and served at any time before the first day thereof, and in case said jurors, or any of them, should fail to attend at such special term, or be rendered incapable to serve on said jury from any cause whatever, the court aforesaid may direct the sheriff of Montgomery county, to summon from among the by-standers, a sufficient number of persons to make up said jury, or supply any deficiency therein.

SEC. 3. It shall be lawful for said court at such Petit jury. special term, to direct the sheriff of said county to select from among the by-standers, a sufficient number of reputable householders, or freeholders of the county aforesaid, to serve as a petit jury during the said term, or until duly discharged by said court.

SEC. 4. The said Aris B. Walker, and William Smith, Process. or either of them, shall be entitled to process, to compel the attendance of such witnesses as may be considered by them necessary for their respective defences, at any time after the passage of this act, and before the final termination of their respective cases, and it is hereby made the duty of the clerk of said court to issue such process upon application therefor.

SEC. 5. This act shall be in force from and after its passage; and it is hereby made the duty of the Secretary of State, to forward a certified copy hereof to the clerk of the Montgomery circuit court.

CHAPTER XI.

An Act to amend an act entitled "an act supplemental to an act subjecting real and personal property to execution," approved January 8, 1842.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That no property of any description what-sold for fair value. ever, either real or personal, shall be sold on execution, or by virtue of any other process issued by any officer of this State, for a less sum than its fair value at the time of such sale, after deducting all incumbrances thereon, except as herein after provided.

SEC. 2. For the purpose of ascertaining the value of Value, how ascertained. any property, either real or personal, levied on by any officer, by virtue of any execution or order of sale founded on any judgment, order or decree, the execution plain-

tiff or plaintiffs, his, her or their agent or attorney may select one appraiser, and the defendant or defendants another, each of whom shall be disinterested residents and house-holders of the township in which such levy may be made, who shall proceed to make a just and true valuation thereof, in the manner prescribed by the act to which this is an amendment; and in case the two appraisers thus chosen shall not agree upon the value of the property thus levied upon, they shall choose a third person of like qualification, in which case the appraisement of any two of them shall be deemed and taken to be the value of such property; and which appraisement when made and executed shall be delivered to the officer making such levy, to be by him returned and filed with the execution or other process under which such levy was made: *Provided, however,* that in all cases where either of the parties shall neglect or refuse to select an appraiser as aforesaid, or in case any person when selected, shall fail or refuse to serve as such, it shall be the duty of the officer holding such execution or order of sale, to appoint some person or persons having the qualifications aforesaid, in the place and stead of such person or persons refusing or failing to serve: *Provided, further,* that whenever any execution defendant or defendants shall elect to have his or their property, either real or personal, appraised under the provisions of this act, he shall not be permitted to waive such appraisement.

Revaluation.

SEC. 3. Whenever any officer shall expose property to sale on any execution or order of sale, founded on any judgment, order or decree, according to the provisions of this act, and the same or any part thereof cannot be sold for its appraised value as aforesaid, it shall be the duty of the officer holding such execution, or order of sale, to make an endorsement thereon to that effect; and thereupon, either party may have a re-valuation of such property so remaining unsold in the manner prescribed by the second section of this act, which said re-valuation shall be at the cost of the party demanding the same; but no property shall be appraised more than three times during the life time of any one execution or order of sale.

Re-offer to sell.

SEC. 4. Whenever any property levied upon by virtue of any execution or order of sale, shall remain unsold for want of bidders, the plaintiff or plaintiffs, his, her, or their agent or attorney may cause the same to be re-offered, not exceeding three times during the life-time of any execution or order of sale, the sheriff or other officer giving due notice of the time and place thereof: *Provided, however,* that if such property shall not be sold when

re-offered as aforesaid, then and in that case, the plaintiff or plaintiffs shall pay the costs occasioned thereby.

SEC. 5. Whenever any property levied upon by virtue of any execution or order of sale, shall remain unsold on the return day of any such writ, it shall be the duty of the officer to return the same with an endorsement of his doings thereon, which return shall constitute a lien upon such property so remaining unsold; and thereupon it shall be the duty of the clerk or justice of the peace into whose office such writ may be returned, to issue a writ of *venditioni exponas*, or, *alias*, order of sale, directed to the proper officer, commanding him to proceed to sell such property so remaining unsold as aforesaid; in which case either party may have the same re-valued, and the plaintiff may have the same re-offered, in the manner and under the same limitations and restrictions as are provided for on the first execution or order of sale.

SEC. 6. Whenever any property shall be levied upon by virtue of any execution or order of sale, or whenever the same shall remain unsold in the hands of the officer, for want of bidders, the execution defendant or defendants shall have the right to the possession thereof by executing and delivering to the officer holding such writ, a bond, with good and sufficient sureties, to the acceptance of such officer, in double the value of such property, conditioned for the delivery of such property to the proper officer, at such time and place as may be appointed for the sale thereof; and conditioned further, that said defendant or defendants may sell said property at private sale; and when so sold, said defendant or defendants shall pay the appraised value thereof to the plaintiff or plaintiffs, to be applied to the satisfaction of the judgment, order, or decree, on which such execution or other process may have issued.

SEC. 7. When one or more live animals are levied on, if the defendant fails to give a delivery bond for the same, the sale thereof shall take place within fifteen days after the levy thereof, on giving ten days notice, as required in case of the sale of personal property under execution, unless the plaintiff or defendant shall either of them voluntarily defray the expenses of keeping the same: *Provided,* that if in such case such animal or animals, are not sold under such execution or process, the defendant may take possession of the same, but the same shall be subject to the lien of such execution or process.

SEC. 8. All executions issuing from the circuit or probate courts, or justices of the peace, shall be made returnable at the expiration of one year from the date thereof, and not sooner: *Provided, however,* that the several offi-

Return to constitute lien.

Venditioni exponas.

Provisions when live animals are levied on.

Proviso.

Proviso.

cers holding executions shall make one offer to sell, with as little delay as possible after receiving the execution; and in all cases where the sheriff or other officer shall sell such property and receive payment therefor, then and in that case such officer shall pay over to the officer issuing such execution or order of sale, the amount so received forthwith; and in case said execution or other process shall be fully paid or satisfied by sale or otherwise, it shall be the duty of such officer to return the same and pay over all money received thereon forthwith: *Provided, further,* it is hereby made the duty of the sheriff or other officer having such execution, whenever a delivery bond is taken and forfeited, to return it, together with the execution, forthwith to the officer issuing the same.

Defendant
may select the
tract or part of
tract to be le-
vied on.

Proviso.

Provision as to
the selection
of personal
property.

Rents and pro-
fits to be val-
ued.

SEC. 9. In all cases where any officer holding an execution or other process, shall be about to levy the same upon real estate, if the defendant or defendants shall be the owner or owners of more than one tract or parcel, or of one tract or parcel susceptible of division without material injury, such defendant or defendants shall have the right of selecting and designating the particular tract or part to be levied upon by such officer: *Provided,* such tract or part so designated, shall be sufficient to satisfy such execution or other process: but in all cases where such officer shall be about to levy upon personal property, if the defendant shall not, on being required and demanded by the officer holding such execution or other process, designate the property to be levied on, then and in that case the plaintiff or plaintiffs, their agent or attorney, shall have the right to select or designate the particular property to be levied upon; reserving, however, to the defendant or defendants the right of selecting as exempt from such execution or other process, property not exceeding in value the sum of one hundred and twenty-five dollars, and such property designated by such defendant or defendants shall be sold for two-thirds its fair value.

SEC. 10. In all cases where real estate is about to be levied upon by any officer, the defendant or defendants shall have the right of turning out such, and so much, as that the rents and profits for seven years will be sufficient to pay the full amount of the debt, interests and costs, upon which such writ may have issued; and in all cases where real estate may be levied upon by virtue of any execution or order of sale, the rents and profits thereof for seven years, shall be appraised in the manner prescribed in this act, for the appraisement of other property; and whenever such rents and profits are appraised at a sum equal to, or exceeding the amount due on such writ, such real estate shall not be offered for sale, but the rents

and profits shall be offered, and if they will not sell for their appraised value, the officer shall proceed in the same manner as in case of other property.

SEC. 11. The provisions of this act shall not extend to judgments or other proceedings against state, county, or township officers, or to executors, administrators, or guardians, for misfeasance, malfeasance, or nonfeasance in office, nor to proceedings against attorneys for failing to pay over moneys by them collected as such, nor to any judgment, order, or decree against any bank, savings institution, or insurance company, nor to judgments rendered against the principals in any delivery bond.

SEC. 12. The judges of the circuit and probate courts are hereby authorized in all cases where executors, administrators, guardians, or other trustees cannot sell the property of their respective trusts, or realize the claims in &c., when, in their favor by reason, in either case, of the want of bidders for property to be sold by order of court, or under execution, to make an order and cause the same to be entered upon the order book of the proper court, suspending all proceedings and enjoining all actions against such executors, administrators, guardians, or trustees, until such property can be sold or such claims can be realized.

SEC. 13. No execution shall issue on any judgment, order, or decree, entered by any circuit or probate court of this State, directed to any other sheriff than the sheriff of the county in which said defendant actually resides, unless the plaintiff or his attorney will make an affidavit before the clerk of the court at which said judgment was rendered, that said defendant has not sufficient property, deducting encumbrances in the county in which he resides, to satisfy said judgment, order, or decree, then and in that case, the clerk of the proper circuit court may issue an execution to any other county in this state, and in that case, the clerk shall endorse on the back of said execution, such affidavit; otherwise it shall be void.

SEC. 14. This act shall be published in the Indiana Journal and State Sentinel, and shall be in force in each county in the state, upon the filing a copy thereof in the clerk's office of the respective counties, and it is made the duty of the Secretary of State to forward a printed copy to each clerk, immediately after its publication, and of the clerks of the several circuit courts to note the time of filing thereof in the order book of said court; and all laws coming within the purview of this act, be, and the same are hereby repealed; and nothing in the revision of the laws at the present session shall be taken and construed to contravene or repeal any of the provisions of this act.

This act not to
extend to cer-
tain judg-
ments.

Court to sus-
pend proceed-
ings in case of
administrators

Executions
shall not go to
another coun-
try except up-
on affidavit &c.

When to take
effect.

CHAPTER XII.

An Act to amend an act entitled "An act to amend an act entitled 'an act to organize the militia of Indiana,' approved February 10th, 1831," approved January 31st, 1842.

[APPROVED, FEBRUARY 13, 1843.]

Colonel to
convene field
officers to
adopt by-laws,
&c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That as soon as may be convenient after a regiment has been formed in any county of this State, and a colonel elected, as provided by the act to which this is an amendment, it shall be the duty of such colonel to call together, at a place to be designated by him, the field and staff officers of his regiment; and the said officers, when so convened, shall prescribe their own uniform, make by-laws for the government of the regiment, prescribing the number of drills and parades, and all other matters necessary to effect a complete organization of the regiment, not inconsistent with the laws of the land.

By-laws to be
submitted to
companies.

SEC. 2. Immediately after said officers shall have drawn up the by-laws, as in the foregoing section provided, it shall be the duty of the colonel to submit the same to the several companies composing his regiment, by placing a copy thereof in the hands of the commanding officer of each company, for their approval, and when the same shall be approved by two thirds of the companies composing said regiment, the same shall be binding upon them all.

Colonel to call
together com-
panies for drill

SEC. 3. The colonel of such regiment, or, in case of his absence or vacancy of the office, the next officer in command, is hereby empowered to call together the companies of his regiment for drill or parade, at such times as may be fixed by the by-laws of the regiment, or at any other time when requested so to do by two thirds of the companies composing such regiment.

SEC. 4. This act to be in force from and after its passage.

CHAPTER XIII.

An Act to amend an act entitled an act to organize the militia of the State of Indiana, approved February 10th, 1831, approved, January 31st 1842.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter each company of riflemen and cavalry shall consist of fifty, rank and file, each, and each company of light infantry and grenadiers shall consist of sixty, rank and file, each; and whenever the Governor is duly notified of the complete organization of any company under the provisions of the act to which this is an amendment, by the commandant thereof, and &c., to be furnished of the kind of arms and equipments adapted to said company, it shall be his duty forthwith to direct the Quarter Master General to cause the proper number of arms and accompanying accoutrements to be delivered to the commandant of such company, causing the officer to whom the same may be delivered, to acknowledge the receipt thereof.

SEC. 2. The twentieth section of the act to which Repeal, this is an amendment, be, and the same is hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XIV.

An Act for the encouragement of the growth, and manufacture of silk.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* To any person or persons residing in this state, who shall present to any justice of the peace in any county in this state, where such person or persons reside, one pound, or more, of good dry silk cocoons, or one pound or more, of well reeled silk, and shall by his, her, or their oath or affirmation, or by the oath or affirmation of some other credible person, prove to the satisfaction of such justice, that the cocoons presented, were raised in the county where such justice resides, or

that the silk was reeled in such county, from cocoons raised in this state, and that the same or any portion thereof has not before been presented to any justice of the peace for examination and certificate, the said justice having examined and caused the same to be weighed, shall give his official certificate, specifying the number of pounds of cocoons or reeled silk presented, the year when, and the place where the same were raised or reeled, and the names of the person or persons by whom the same were raised or reeled, together with the name of the person by whose oath or affirmation the facts have been verified; and on the presentation of any such certificate to the treasurer of the county in which the certificate shall have been given, he having examined and found the same to be duly given, he shall pay to the bearer thereof a bounty of fifteen cents for every pound of cocoons; twenty-five cents for every pound of reeled silk specified in said certificate, provided that the boards doing county business shall order the same.

SEC. 2. This act to take effect, and be in force from and after its passage.

CHAPTER XV.

An Act to provide for the election of Prosecuting Attorneys by the people.

[APPROVED, FEBRUARY 11, 1843.]

Prosecuting attorneys to be elected by the people. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified voters of the several counties in each judicial circuit of this State, shall elect a prosecuting attorney in each circuit, on the first Monday in August preceding the termination of the term of service of the present incumbent, and every two years thereafter, who shall be commissioned by the Governor, and hold their offices for the period of two years, and until their successors are elected and qualified.

Clerks to certify votes to Secretary of State. SEC. 2. The clerks of the circuit courts shall certify to the Secretary of State immediately after the votes may be compared in the counties, the number of votes given to each person; and it shall be the duty of the Governor within thirty days, to make out commissions to those persons, who from the returns shall have received the highest number of votes respectively.

SEC. 3. Upon a vacancy happening in said office, *Vacancy.* from any cause, the Governor shall appoint some suitable person to fill the same, until the next annual election, when one shall be elected by the people.

SEC. 4. The said prosecutors so elected by the people, shall be governed by the same laws, discharge the same duties, and receive the same compensation as is now provided by law for prosecuting attorneys: *Provided,* that nothing herein contained shall be so construed as to prevent the present prosecuting attorneys from holding their said office during the term for which they have been elected.

SEC. 5. No person shall be elected to the office of *Attorneys at law only eligible.* prosecuting attorney, who shall not have a license to practice law in the circuit courts of this state.

SEC. 6. This act to be in force from and after its passage.

CHAPTER XVI.

An Act supplemental to an act entitled "an act for the relief of the borrowers of the Sinking Fund, Surplus Revenue Fund, and other Funds, and for the better securing the payment thereof, approved January 31st, 1842.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all judgments, that are now rendered upon surplus revenue bonds and bonds on other funds above named, the judgment defendant shall have the same advantages, in relation to time and the securing the faithful payment of the same, as provided in the act to which this is supplemental.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER XVII.

An Act amendatory of an act entitled "an act amendatory of an act entitled an act authorizing the appointment of constables and defining their duties," approved February 17th, 1838, approved January 31st, 1842.

[APPROVED, FEBRUARY 11, 1843.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act to which this is amendatory, as requires constables to file their bonds with the clerks of the circuit court, and so much as requires the clerks to file and register the same, be and the same is hereby repealed.

SEC. 2. The county auditors or persons acting as such, shall file and register the same, and all bonds taken under the act to which this is amendatory, shall be carefully preserved by the county auditor.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XVIII.

An Act to amend the act entitled "an act concerning proceedings in ejectment, and for the relief of occupying claimants of land," approved January 13th, 1831.

[APPROVED, FEBRUARY 10, 1843.]

Construction of former act. **SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the words "or any person beyond the seas," in the proviso to the third section of the act approved January 13th, 1831, entitled "an act concerning proceedings in ejectment, and for the relief of occupying claimants of land," shall, by all courts in this State be construed to mean beyond the jurisdiction of the courts of the United States, and shall not be deemed and taken to save the claim or claims of persons who have been, are, or may be merely out of, or non-residents of the State of Indiana, any law, decision, or construction, to the contrary, notwithstanding.

SEC. 2. This act to take effect from and after its passage and publication.

CHAPTER XIX.

An Act in relation to canal land patents.

[APPROVED, FEBRUARY 11, 1843.]

WHEREAS, great inconvenience in many cases arises to purchasers of canal lands, in being required to send to the seat of government for their patents: for remedy whereof,

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Secretary of State shall be required to transmit the patents now in his office to the commissioners of the land offices at Peru, respectively, who shall, upon receipt thereof, pay the fees due thereon out of any funds in their hands, and receive the same from time to time, [from the owners of such patents]; and that said Secretary shall hereafter in like manner report quarterly.

SEC. 2. That holders of final receipts for said lands, shall hereafter receive their patents from the commissioner of the land office, instead of from the Secretary of State, as heretofore: *Provided*, that any holder of a final receipt, as aforesaid, presenting the same to the Secretary of State, before the patent is transmitted to the commissioner of the land office, shall be entitled to his patent.

SEC. 3. The commissioner for the sale of lands for the construction of the canal west of Tippecanoe river, be required to forward duplicate certificates of final payment of said lands, to the Secretary of State, in like manner as the commissioner east of Tippecanoe is required to do, which final certificates shall be countersigned by the Auditor of State before patents issue thereon.

SEC. 4. This act to be in force from and after its passage.

CHAPTER XX.

An Act to provide for the assessment of damages on the Wabash and Erie canal, west of the Tippecanoe river.

[APPROVED, FEBRUARY 13, 1843]

Powers here-
tofore vested
in the board, as
to assessment
of damages,
transferred to
the commis-
sioner.
SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That all the powers vested in the board of internal improvements under the law entitled "An act to provide for a general system of internal improvements," approved January 27th, 1836, and the acts amendatory thereto, relative to the appointment of appraisers to assess damages to land, or for materials taken to construct the Wabash and Erie canal west of the Tippecanoe river, be, and the same are hereby vested in the commissioner of the said canal west of Lafayette.

That any damages so assessed, shall be paid out of the fund appropriated for the construction of the said canal.

The appointment of said appraisers, and the proceedings thereon as to appeals, and all other matters connected therewith, shall, in all things, be conducted under the said recited act, approved January 17th, 1836.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER XXI.

An Act in relation to the letting of water power by the State of Indiana.

[APPROVED, FEBRUARY 11, 1843.]

Notice of the letting of wa-
ter power to be given.
SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That each and every person, commissioner, or officer of this State, authorized by law to let and lease water power for the use and benefit of the State shall, before letting or leasing the same to any person or persons, cause a notice to be given to the public in a newspaper, nearest the said water power, thirty days previous thereto, of the time, place, and conditions of said leasing or letting the same.

Proposals to be sealed.
SEC. 2. All proposals for purchasing, leasing, or letting of such water power, shall be in writing, sealed up and delivered to the person or persons authorized to receive such bids aforesaid.

*SEC. 3. This act to be in force from and after its pas-
sage.*

CHAPTER XXII.

An Act to provide for paying claims and purchasing land at sites for water power on the Wabash and Erie canal.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the commissioner of the Wabash be paid in cash and Erie canal, be, and hereby is directed to pay all judgments or demands now in force against the State of Indiana, for damages to lands or for materials taken therefrom in the construction of said canal east of Tippecanoe river, in canal land certificates, issued in accordance with the laws in force relative to said canal.

SEC. 2. And it shall further be the duty of the said Water power commissioner, to pay in like manner, in canal land scrip, for any lands which the State has heretofore purchased, agreeably to the laws in force directing such purchase or purchases, for the purpose of improving and renting water power upon the line of said canal.

This act to take effect and be in force from and after its passage.

CHAPTER XXIII.

An Act amendatory of an act entitled "an act to authorize the building of the towing path bridge across the Wabash river at Carrollton, in Carroll county," and for other purposes, approved January 31st, 1842.

[APPROVED, FEBRUARY 7, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the acting commissioner on the Wabash and Erie canal east of the Tippecanoe river, be, and he is hereby authorized to put under contract as soon as practicable, the towing path bridge across the Wabash river at Carrollton, in Carroll county, not deferring the same, to a longer period than shall be necessary to secure the building on such terms as he may deem advantageous

to the State, and to insure its final completion by the first day of April, A. D., 1844.

Expense, how paid. SEC. 2. That for the purpose of defraying the expense to be incurred in building said bridge, the commissioner shall obtain from the Treasurer of State, canal land certificates similar to those heretofore issued on account of work done upon said canal, which said certificates shall be received in payment for principal and interest due for canal lands, which have been sold, or which may hereafter be sold on account of said canal east of the Tippecanoe river.

Treasurer of State to issue Scrip. SEC. 3. The Treasurer of State is hereby authorized to issue all canal land scrip that is now authorized by law to be issued, or may hereafter be authorized, and no other person, charging the same as drawn from the Treasury to the commissioner or other person authorized to draw the same, who shall annually render an account with proper vouchers for the satisfactory disbursement of it.

Work to be let to lowest bidder. SEC. 4. The commissioner on the Wabash and Erie canal east of Tippecanoe, is hereby authorized, and shall let the said work as provided for in this act, to the lowest responsible bidder under the provisions of the laws now in force, relative to the prosecution of the public works of this State, and shall give at least two months notice of the time and place of such letting, and also the terms and conditions of the same.

Commissioner to settle with original contractor. SEC. 5. The commissioner hereinbefore named, is hereby authorized to settle with the original contractors, on such terms as he may deem just and equitable between said contractors and the State, and on such settlement being made, shall take from them a relinquishment of their contract; *Provided, nevertheless,* if such settlement cannot be made upon equitable terms, it shall not prevent him from placing the same under contract, as is provided in this act.

Repeal. SEC. 6. All acts or parts of acts as come in purview of this act are hereby repealed.

SEC. 7. This act to be in force from and after its passage.

CHAPTER XXIV.

An Act to provide for the reception of certain Treasury Notes in payment of County Revenue, and for other purposes.

[APPROVED, JANUARY 20, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the treasury notes heretofore issued by the State, bearing an interest of six per cent, and those bearing an interest of one-quarter of one per cent, shall be receivable in payment of all debts due, or to become due, to any county or counties in the State, whether for taxes or otherwise: *Provided, however,* that the county treasurers shall, in the reception of scrip or treasury notes for county taxes or dues, note such an amount in a book to be kept for that purpose, carefully keeping, as nearly as can be, such funds separate from similar funds received for State dues, and that they shall not, either directly or indirectly apply such specific funds, received for county dues, to the payment of state dues at the State Treasury, and for the faithful observance of the requisitions of this proviso, the Treasurer of State is hereby authorized and required to administer an oath or affirmation.

SEC. 2. That in like manner the same are hereby made For County receivable for all debts, principal and interest, due to Seminary county seminaries for loans made, and for all fines assessed and recognizances forfeited.

SEC. 3. That in like manner the same are hereby For School made receivable for all debts, principal and interest, due for Lands. school moneys loaned, or for school lands sold.

SEC. 4. That in like manner the same are hereby Surplus Revenue, &c. made receivable for all debts, principal and interest, due, or to become due, for loans of the surplus revenue, for all loans of trust funds at the State loan office, and for monies due for saline and college lands, sold, or to be sold.

SEC. 5. That so much of any sums so received, as is To be re-loaned by law required to be re-loaned at interest shall, by the agent receiving the same to re-loan, be loaned upon the same terms and conditions as is now provided by law.

SEC. 6. That so much of any sum so received in treasury notes, as is by law required or authorized to be expended by the persons or agents receiving the same, shall be by them paid out and expended as required, in such treasury notes, for the purposes authorized by law.

SEC. 7. Said treasury notes are in like manner made For Wabash and Erie canal lands east of Tippecanoe.

pecanoe river, and for principal and interest now due, or that may hereafter become due, on the sale of said lands: *Provided*, that any notes that may be received by virtue of this section, shall, so far as the same may be demanded, be taken as an additional fund to redeem the canal land certificates heretofore issued by Jesse L. Williams, and Stearns Fisher, commissioners on said canal east of Lafayette, and it shall be the duty of the commissioner on the Wabash and Erie canal, east of Lafayette, upon application of any person holding said certificates, to give in exchange therefor, an equal amount of treasury notes so received for said lands, and the residue of said notes so received, shall be cancelled and destroyed in like manner as is provided for those notes received for state revenue proper.

No interest allowed except when received for State revenue.

SEC. 8. In all receipts and disbursements of treasury notes as contemplated in this act, no interest shall be computed, charged or allowed, except when the same are received from the county treasurers for state revenue, and those notes so received shall be counted, cancelled and destroyed, as now provided by law.

SEC. 9. This act to be in force from and after its passage and publication in the Indiana Journal and State Sentinel.

CHAPTER XXV.

An Act regulating the rate of tolls on the Wabash and Erie canal.

[APPROVED, JANUARY 21, 1843.]

Rates of tolls. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so soon as the State of Ohio shall make a corresponding reduction in the rates of toll charged on that portion of the Wabash and Erie canal which passes through the State of Ohio, the commissioner of said canal for the State of Indiana, be, and hereby is directed to reduce the rates of toll charged in this State to any rates not below the following scale, to-wit: First, on Pork, Bacon, Lard, Beef, Wheat, and Flour, to seven mills for one thousand pounds for each mile under one hundred miles; five mills for each mile exceeding one hundred and not exceeding two hundred miles; and three mills for each mile exceeding two hundred miles: Second, on Corn, Rye, Oats, Barley, Potatoes, and Flax-seed, per one thousand pounds, three mills

on each mile not exceeding one hundred miles; two mills for each mile exceeding one hundred and not exceeding two hundred; and one mill for each mile exceeding two hundred miles: Third, on Salt, five mills per one thousand pounds for each mile not exceeding one hundred miles; four mills for each mile exceeding one hundred and not exceeding two hundred; and three mills for each mile exceeding two hundred miles.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXVI.

An Act amendatory of an act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute, approved January 1st, 1842.

[APPROVED, FEBRUARY 8, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the canal land scrip which has ceivable for been heretofore, or may hereafter be, issued for the construction and completion of the Wabash and Erie canal, from the mouth of Tippecanoe river to Terre Haute, be, and the same is hereby made receivable for all tolls, transit duties, and water rents, upon all and every portion of the Wabash and Erie canal between the Ohio state line and the town of Terre Haute, which scrip so received shall be placed in the office of the Treasurer of State, to be cancelled as other scrip.

SEC. 2. The lettings upon the southern end of said canal shall be made on the first Monday of May as now provided by the act to which this is an amendment, and the heavy jobs at Coal creek, Sugar creek, Raccoon, and Otter creeks, shall be commenced and prosecuted without delay.

SEC. 3. Upon all other portions of said canal line the work post-work shall not be commenced previous to the first of September next, under penalty of a forfeiture of the contract, unless, in the opinion of the acting commissioner, the interest of the State would be promoted thereby; but whether the same be commenced on or before the said first of September, no estimate shall be made upon said portion of the work until the first of November following.

SEC. 4. The sale of that portion of the lands which, by the provisions of the act to which this is an amendment, Land sales postponed.

ment, would take place on the first Monday of October, 1843, be, and the same is hereby postponed until the second Monday of November, 1843.

SEC. 5. This act to be in force from and after its passage.

CHAPTER XXVII.

An Act to extend the provisions of an act entitled "An act for the relief of the settlers on the Wabash and Erie canal lands," approved February 24th, 1840, and supplemental to an act on the same subject, approved January 31st, 1842.

[APPROVED, FEBRUARY 13, 1843.]

Act of 1840
extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the above recited act, approved February 24th, 1840, be and the same are hereby extended in all their benefits to the first day of January, A. D. 1843: *Provided, however,* that all claims for improvements made upon the Wabash and Erie canal lands shall be payable in canal land scrip.

Time allowed
to remove
crop:

SEC. 2. That all persons contemplated in the act to which this act is supplemental, who may be residing on any of the lands named in said act, at the time said land is sold, and who may have grain at that time growing on said land, shall be allowed ample and sufficient time to cultivate said grain to maturity, to harvest it, and remove or otherwise dispose of it.

SEC. 3. And it shall be lawful for said persons to retain possession of said lands, for the accomplishment of the aforesaid purposes, and thirty days thereafter to remove his household goods and family.

SEC. 4. This act shall be in force from and after its passage, and shall be extended to all lands in this State selected for canal purposes.

CHAPTER XXVIII.

An Act to amend an act entitled "an act to authorize the leasing of water power at the town of Pittsburgh, Carroll county, and for other purposes," approved January 31st, 1842.

[APPROVED, FEBRUARY 10, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the commissioner of the Wabash and Erie canal east of Lafayette, on or before the first day of May next, to let by contract, the whole or any part of the work authorized by the provisions of the act to which this is an amendment.

SEC. 2. That in letting the said work, the said commissioner shall be governed by the provisions of the above recited act.

SEC. 3. That the said commissioner shall exercise his discretion as to the amount of the said work which he is to determine by this act directed to let, consulting the best interests of the State, and the wants and necessities of the country, and may put under contract so much of the said race as he may deem necessary.

SEC. 4. That it shall be lawful for the said commissioner to take deeds of release or in fee simple with full covenants to the State, from the owners thereof of any land that may be necessary for the right of way in locating the said race, and for the purpose of enabling the State to lease water power upon the same, when constructed, but in purchasing any such land he shall not pay a greater price than the State has heretofore paid for land for similar purposes under similar circumstances.

SEC. 5. That it shall be the duty of the said commissioner to advertise the letting of the said work from time to time, until the same shall be let to some responsible person, but he shall not be compelled to advertise the same more than twice in any period of twelve months.

SEC. 6. That the contractor who may do the work, authorized by this act, and the act to which this is an amendment, shall be paid therefor in canal land scrip, which is hereby made receivable in payment of principal and interest due on the Wabash and Erie canal lands east of the Tippecanoe river, to be issued and paid out in the manner prescribed by law: *Provided,* that nothing herein contained shall be construed to authorize the re-building of the lock on said side cut canal.

SEC. 7. This act shall take effect and be in force from and after its passage.

CHAPTER XXIX.

An Act authorizing the commissioners of the Wabash and Erie canal east and west of Tippecanoe to sell canals lands in tracts of forty acres, or quarter quarter sections.

[APPROVED, FEBRUARY 13, 1843.]

Land to be sold in forty acre tracts.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the respective commissioners of the Wabash and Erie canal east and west of Tippecanoe river, be, and they are hereby authorized to sell the lands donated by Congress for the prosecution of said canal, in lots or parcels of forty acres, or quarter quarter sections, whenever any application shall be made by any individual or individuals to purchase any such lot or parcel.

SEC. 2. All sales made in pursuance of the provisions of this act, shall be subject in all respects to the rules, restrictions, regulations, penalties, conditions and forfeitures imposed by any law of Congress or of this State, in cases of the sales of such canal lands.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XXX.

An Act providing for numbering signing, and registering the Wabash and Erie canal scrip east and west of Tippecanoe river, and for other purposes.

[APPROVED, FEBRUARY 2, 1843.]

Duty of Auditor of State.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the Auditor of State, as heretofore, to continue to sign, number, and register, and hand over to the Treasurer of State, taking his receipt therefor, to be entered upon the proper books of their respective offices, all Wabash and Erie canal scrip, either for east or west of Tippecanoe river, which, by any law now in force, is directed to be issued; said numbering, signing, and registering to be executed in the same manner as specified in the act for issuing Treasury Notes to the contractors on the public works.

SEC. 2. No scrip to be issued for either end of said

No scrip to be disbursed but

canal, shall be disbursed but upon the proper warrant or upon proper requisition upon the Treasurer of State, thereby charging the commissioner with such sums as shall come into his hands. And all such scrip when taken in for lands at either of the land offices of said canal, and returned to the Treasurer of State by the respective commissioners, shall be cancelled, entered upon the register opposite its appropriate number of issue, noting the amount of interest, (if any) allowed on each note. For such notes thus cancelled and registered, the Auditor shall give to the Treasurer, an audited warrant.

SEC. 3. That it shall be the duty of the commissioner of the Wabash and Erie canal east of Tippecanoe river, to furnish the Auditor of State's office with a copy of the register of Wabash and Erie canal scrip east of Tippecanoe river, issued by J. L. Williams, late commissioner of Wabash and Erie canal east of Tippecanoe river. The Auditor shall receive from the Fund Commissioner, or other officer having possession thereof, any Wabash and Erie canal scrip, east of Tippecanoe river, which has been cancelled and filed away, which cancelled scrip he shall enter on his register, as provided for in the second section of this act.

SEC. 4. All Treasury Notes and Wabash and Erie canal scrip, which shall be counted and registered, as above provided for, by the Auditor and Treasurer, shall be preserved until counted, and the interest calculated, by the Committee of Ways and Means of the House of Representatives of the next session after such cancelling, and shall then be burnt in the presence of said Committee, the Auditor and Treasurer: *Provided*, that the Treasury Notes and canal scrip now deposited in the State Treasury, which, by the seventh section of the act of last session, Chapter CLXVIII, is directed to be counted, and compared with the registers, and burnt, shall be only counted, the interest calculated thereon, and [the] notes *mutilated*, by cutting or otherwise, by said Committee, and after the registering aforesaid, shall be burnt. The said Committee shall file a certificate of the amount and the interest accruing thereon, to be signed by them, and the Auditor, and Treasurer, and filed in the Auditor's and Treasurer's office; and if the registers agree with the certificates thus signed, then the Auditor and Treasurer, in the presence of the Governor, shall burn said mutilated notes and scrip, the Treasurer receiving a warrant for the amount of such certificates, and no more.

SEC. 5. For the purpose of defraying the expenses incurred in carrying into effect the provisions of this act paid, and the service hereby directed to be performed, the

State Treasury shall not be liable for any part thereof, but the same shall be paid out of the funds respectively, on account of which such notes and scrip were issued, in proportion to the amount of services rendered, to be paid for at the same rate as is allowed for similar services respecting Treasury Notes.

Scrip for canal west of Lafayette.

SEC. 6. Nothing in this act contained shall be construed to change the duties of the Treasurer of State in regard to the issuing and paying out of the scrip for the Wabash and Erie canal west of Lafayette, as required of him by the third section of the act entitled "an act for the completion of the Wabash and Erie canal from the mouth of Tippecanoe river to Terre Haute," approved January 1st, 1842.

SEC. 7. This act to take effect and be in force from and after its passage.

CHAPTER XXXI.

An Act for the relief of certain persons therein named.

[APPROVED, FEBRUARY 11, 1843.]

Damages to be paid in canal land scrip. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the commissioner on the Wabash and Erie canal east of Lafayette is hereby authorized and required to pay in canal land scrip, to the persons entitled thereto, the amount of any judgments or awards for damages done to any real estate, and for materials used in the construction of said canal between Lafayette and the mouth of Tippecanoe river.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER XXXII.

An Act prescribing certain duties to the commissioners and agents on the public works.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be, and it is hereby made ^{kept by agents} the duty of the several commissioners, agents, or other ^{on public works.} persons having charge of any of the public works in this State, to keep or cause to be kept, a faithful register of all the travel upon the same, the distance travelled, the kind of vehicle employed, the amount of freight, and the different kinds of articles exported or imported, as nearly as the same can be ascertained; also, the costs of superintendence and repairs, the costs of transportation, and all such other matters as will exhibit the benefits arising from and the expense of maintaining the several public works of this State.

SEC. 2. It shall be the duty of each commissioner and agent as aforesaid, to transmit monthly to the Auditor ^{Return to be made to Auditor of State} of Public Accounts, the register so kept as aforesaid, and the said auditor shall lay the same before the General Assembly, at the commencement of each session.

SEC. 3. This act to be in force from and after its passage; and it shall be the duty of the Secretary of State to forward a copy of the same to each commissioner and agent aforesaid.

CHBPTER XXXIII.

An Act relative to suits against Miami Indians.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That on the trial of all suits, actions, ^{fence pleaded} _{without payment of costs.} plaints or pleas, in any of the circuit courts of this State, which may have been, or may hereafter be appealed thereto, from the judgment of any justice of the peace of this State, in which any member or members of the Miami Tribe of Indians is or shall be defendant or defendants, that they or either of them, shall be entitled to plead specially in the said circuit court, or prove under the general

What proper- issue any and all matters of defence of whatsoever name, ty exempt nature, or description, without payment of costs; that from execu- the ordinary wearing apparel, and one hundred and fifty tion. dollars valuation of the personal property of each member of said Miami Tribe of Indians, (to be selected by them) shall be, and the same is hereby declared to be exempt from levy and sale under execution.

SEC. 2. Any member or members of the said Miami Tribe of Indians, against whom a judgment may be rendered by a justice of the peace in this State, shall have the right to appeal therefrom to the proper circuit court, at any time within thirty days after the rendition of said judgment, without giving bond for the prosecution of the appeal, or for the payment of the judgment that may be rendered in said court, or the costs that have accrued or may accrue.

SEC. 3. Every contract which may hereafter be made with any Indian, shall be absolutely null and void, and in all suits which may be instituted against an Indian upon any cause of action which may arise after the passage of this act, it shall be the duty of the court trying the same, to take notice of this section, without specially pleading the same.

SEC. 4. This act to be in force from and after its passage and publication in the "Fort Wayne Times, Sentinel, Peru Gazette, and Marion Democratic Herald, or either of them.

CHAPTER XXXIV.

An Act to divide the State into Congressional Districts.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the State shall be divided into ten districts for the election of Representatives in the Congress of the United States, each of which districts shall be entitled to elect one Representative.

SEC. 2. The limits and designation of said districts shall be as follows:

1st district. The counties of Posey, Vanderburgh, Gibson, Pike, Dubois, Warrick, Spencer, Perry, Crawford, Orange, and Harrison, shall constitute the first district.

2d. The counties of Clarke, Washington, Jackson,

Scott, Jefferson, Jennings, and Floyd, shall constitute the second district.

3d. The counties of Dearborn, Ripley, Rush, Decatur, Switzerland and Franklin, shall constitute the third district.

4th. The counties of Fayette, Union, Wayne and Henry, shall constitute the fourth district.

5th. The counties of Hamilton, Marion, Hancock, Shelby, Johnson, Madison, Bartholomew and Brown, shall constitute the fifth district.

6th. The counties of Monroe, Lawrence, Martin, Daviess, Knox, Owen, Greene, Morgan and Sullivan, shall constitute the sixth district.

7th. The counties of Vigo, Clay, Putnam, Parke, Vermillion and Hendricks, shall constitute the seventh district.

8th. The counties of Montgomery, Fountain, Warren, Boone, Tippecanoe, Clinton and Carroll, shall constitute the eighth district.

9th. The counties of Jasper, White, Cass, Miami, Fulton, Pulaski, Kosciusko, Marshall, Starke, Elkhart, St. Joseph, Laporte, Porter, Lake, Wabash and Benton, shall constitute the ninth district.

10th. The counties of Randolph, Delaware, Grant, Jay, Blackford, Adams, Wells, Huntington, Allen, Whitley, Noble, DeKalb, Steuben and Lagrange, shall constitute the tenth district.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER XXXV.

An Act to provide for the payment of expenses incurred for the protection of the School Funds, and for other purposes.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That it is hereby made the duty of the prosecuting attorneys for the State in their respective circuits, to attend to all causes in the circuit court in which the safe keeping, collection, or preservation of any of the school funds of the State can be in any way effected; and in all such cases where judgment shall be rendered in favor of the State, or any officer or officers char-

ged with the collection, safe-keeping, or preservation of said funds, the prosecuting attorneys shall be allowed a fee of five dollars to be taxed with the costs, as costs are taxed in other cases.

Fofoited lands restored upon payment of interest, &c.

SEC. 2. In all cases where school lands, which have been sold according to the provisions of any law of this State, have become forfeited, or may become forfeited, prior to the twenty-fifth day of December, 1843, for the non-payment of interest which has accrued on any portion of the price, for which such land was sold, the same shall, by the proper officer having charge thereof, be restored to the rightful holders of the certificate of purchase by him, her, or them, paying to the proper commissioner or other officer having the charge of any such land, the full amount of all interest so due and unpaid, with six per cent interest thereon, on or before the twenty-fifth day of December, 1843: *Provided*, such lands have not been re-sold prior to the publication of this act, any law to the contrary notwithstanding.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XXXVI.

An Act to extend the jurisdiction of Justices of the Peace and of Constables in certain cases therein named.

[APPROVED, FEBRUARY 11, 1843.]

Jurisdiction in certain cases extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That when it shall so happen that there is no justice of the peace or constable authorized to act as such in any township in this State, either through the want of an election, or the refusal of such officers to serve in that capacity after being duly elected, it shall be lawful for the nearest justice or constable in any other township of the same county, to act in and for the township or townships which may thus be destitute of those officers, and their acts as such officers are hereby declared to be legal; and it shall not be necessary for the process to show those facts, but may be directed to any constable of the said county.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XXVII.

An Act making general appropriations for the year 1843.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be appropriated for the purpose of meeting the expenditures of the year 1843, 1843, for public printing, twelve thousand dollars; for distributing laws and journals of the present session, seven hundred dollars; for stationery for General Assembly and public officers, six thousand dollars; for General Assembly, thirty-five thousand dollars; for executive officers, six thousand one hundred dollars; for prosecuting attorneys, one thousand seven hundred dollars; for supreme and circuit judges, fifteen thousand five hundred dollars; for probate judges, four thousand five hundred dollars; for the adjutant and quarter master generals, two hundred dollars; for State Library, three hundred dollars; for transporting convicts to state prison, one thousand eight hundred dollars; for new state prison, ten thousand dollars; for specific appropriations, six thousand dollars; for contingent expenses of Governor, one thousand dollars.

CHAPTER XXVIII.

An Act making specific appropriations for the year 1843.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal and assistant secretaries of the Senate, the principal and assistant clerks of the House of Representatives, shall each be allowed the sum of four dollars per day for each day they may have served as such during the present session.

SEC. 2. That the enrolling secretary of the Senate, and the enrolling clerk of the House of Representatives, shall each be allowed the sum of three dollars and fifty cents per day for each day they may have served as such during the present session.

SEC. 3. That such assistants as may be employed by any of the aforesaid secretaries or clerks shall each be allowed the sum of three dollars per day for every day they may have been employed. The certificates of the assistants of the secretaries to be signed by the President of the Senate, and the certificates of the assistants to the clerks of the House, to be signed by the Speaker thereof.

Sergeant at arms.

SEC. 4. That the sergeant at arms and assistants of the Senate and House of Representatives shall each be allowed the sum of three dollars per day for each day they may have served as such during the present session.

Door keepers.

SEC. 5. That the doorkeepers of the Senate and House of Representatives shall each be allowed the sum of three dollars per day, and the assistant doorkeepers of the Senate and House of Representatives shall be allowed the sum of two dollars and fifty cents per day for each day they may have served as such during the present session.

Postage.

SEC. 6. That Joseph M. Moore, Post Master, be allowed nine dollars and eighty-three cents for postage account of the Speaker of the House of Representatives for letters and public communications addressed to him during the present session.

SEC. 7. That Joseph M. Moore, Post Master, be allowed nine dollars and ninety-three and a half cents for postage of the President of the Senate for public letters and communications addressed to him during the present session.

Woodmen.

SEC. 8. That the persons employed in splitting and drawing up wood during the present session, be allowed one dollar and fifty [cents] per day for each day so employed.

Indexing journals.

SEC. 9. That the principal secretary of the Senate be allowed the sum of fifty dollars for making out the index to the Journal of the Senate.

And that the principal clerk of the House of Representatives be allowed the sum of fifty dollars for making out the index to the Journal of the House, and any enactment of law imposing this duty on the Secretary of State is hereby repealed.

Weaver.

SEC. 10. That William Weaver be allowed the sum of seven dollars for work done by him for the State.

Craighead & Brandon.

SEC. 11. That Craighead and Brandon be allowed the sum of five dollars and thirty-one cents for sundries furnished the present General Assembly.

B. Pottage.

SEC. 12. That B. Pottage be allowed the sum of fifteen dollars and seventy-one cents, being for sundries furnished the present General Assembly.

Morrison and Shepherd.

SEC. 13. That Morrison and Shepherd, (assignees of

J. Jamison) be paid the sum of eight dollars and fifty cents for merchandise furnished General Assembly.

SEC. 14. That John Thorp be allowed three dollars Thorp. and seventy-five cents for sundries.

SEC. 15. That Day, Tyler, & Co., be allowed the Day, Tyler, & Co. sum of two dollars for portfolio for House.

SEC. 16. That J. M. Talbott be allowed five dollars Talbott. for articles furnished for the use of the General Assembly.

SEC. 17. That John Cain be paid the sum of eight J. Cain. dollars and six cents for articles furnished.

SEC. 18. That C. B. Davis be allowed the sum of six C. B. Davis. dollars and fifty cents for stationery.

SEC. 19. That Elijah King be allowed the sum of E. King. three dollars and six cents for sundries.

SEC. 20. That Humphrey Griffith be allowed the sum H. Griffith. of eleven dollars and sixty-two cents.

SEC. 21. That Peck and Willard be paid the sum of Peck & Wil- lard. four dollars and fifty-nine cents for articles furnished.

SEC. 22. That Esbon Allen, William Bridgesford, Ste- Witnesses. phen Pitts, and George Pitts, his son, be each allowed one dollar for one day's attendance as witnesses before a select committee, on the subject of the White river bridge.

SEC. 23. That Morrison and Shepherd, (assignees of Morrison and Shepherd. J. Jamison) be allowed the sum of twenty-five dollars and ninety-six cents; that Daniel King be allowed the King. sum of twenty-six dollars and seventy-one cents; that J. M. Talbott be allowed the sum of four dollars; and H. Griffith. Griffith be allowed the sum of six dollars and thirty-two cents. The said several allowances in this section being for articles obtained from them during the sitting, and for the use of the last General Assembly.

SEC. 24. That Abner Pope and Son be allowed the A. Pope. sum of eleven dollars and fifty cents, being for sundry articles furnished on the occasion of the decease of the Hon. E. L. Dunbar, late a member of the House of Representatives.

SEC. 25. That Peck and Willard be allowed the sum Peck and Willard. of twenty-four dollars and twenty-three cents, being for articles furnished on the occasion of the decease of the Hon. E. L. Dunbar.

SEC. 26. That Jacob Foltz be allowed the sum of J. Foltz. four dollars being for services rendered by him on the same occasion.

SEC. 27. That John Lister be allowed the sum of J. Lister. thirty-five dollars, it being for his services with hack and horses in conveying the remains of Hon. E. L. Dunbar to his late residence.

J. Koontze.

SEC. 28. That John Koontze be allowed the sum of thirty dollars [for] his services with horses and carriage in conveying the family of the late E. L. Dunbar to their residence in Jackson county.

W. J. Vawter.

SEC. 29. That William J. Vawter be allowed the sum of forty-nine dollars and sixty-seven cents, being the travelling expenses incurred in the conveyance of the remains of E. L. Dunbar to his late residence, and for eight days' services of the said William J. Vawter therefor.

Espy & Sloan.

SEC. 30. That Espy and Sloan be allowed the sum of ten dollars for the coffin furnished by them for the late Hon. E. L. Dunbar.

N. B. Palmer.

SEC. 31. That Nathan B. Palmer be, and he is hereby allowed the sum of eight hundred and thirty-seven dollars for his services in the examination of the condition of the State Bank of Indiana and Branches, which shall be in full of his per diem allowance and all expenses.

C. C. Palmer.

SEC. 32. That Charles C. Palmer be allowed the sum of eighty dollars for services rendered to Nathan B. Palmer, (late Bank Examiner) as clerk, in making up said Examiner's report to the General Assembly.

Revising Clerks:

SEC. 33. That the clerks employed by the revisors be allowed three dollars per diem for copying the revision, to be paid on the certificate of the revisors.

Treasurer of State.

SEC. 34. That there be allowed to the Treasurer of State the sum of six hundred dollars and ten cents, for expenditures on the State House and Treasurer's office, on filing the proper vouchers with the Auditor.

W. Sheets.

SEC. 35. That the Auditor and Treasurer be authorized to allow William Sheets a reasonable compensation for making out new books for the Michigan road, by order of the Legislature.

Furniture for Governor's house.

SEC. 36. That the sum of five hundred dollars be, and the same is hereby appropriated to be expended under the direction of the State Treasurer, to purchase permanent furniture for the Governor's house.

O'Conner.

SEC. 37. That John O'Conner be allowed the sum of twenty-five dollars for keeping in order the privies on the State House square during the present session.

Ford.

SEC. 38. That Lemuel Ford be allowed three dollars, and William Pattison nine dollars for services at the commencement of the present session.

O'Conner.

SEC. 39. That John O'Conner be allowed two dollars and fifty cents per day for each day he has served during the session in making fires and assisting about the Senate Chamber.

CHAPTER XXIX.

An Act to compel supervisors to expend money in their hands.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the auditor of each county in which the above recited act is in force, shall furnish the clerks of the several townships in their respective counties, with a list of taxable lands and town lots within their said townships; and it is hereby made the duty of the several township clerks to furnish the several road supervisors of their respective townships with a list of such taxable lands and town lots in their respective road districts.

SEC. 2. Whenever an amount of road money shall come into the hands of any road supervisor exceeding five dollars, it is hereby made the duty of such supervisor to advertise a letting of road work, in three public places in his road district, to be let to the lowest responsible bidder.

SEC. 3. That each road supervisor in the several counties in which the said act is in force, shall be entitled to receive out of any moneys coming into his hands as such supervisor, the sum of seventy-five cents for each and every day he shall be necessarily engaged in the discharge of the duties of his said office, after he shall have worked out his road tax.

SEC. 4. This act to take effect and be in force from and after its passage.

CHAPTER XXX.

An Act in relation to the printing and the distribution of the Revised Statutes.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That there shall be printed by the State Printer, by the first day of October next, under the superintendence of the Revisors and the Secretary of State, ten thousand copies of the Revised Statutes of the present session; and that the Secretary, Auditor, and Treas-

urer, contract with some suitable person for the binding thereof.

How distribu-
ted.

SEC. 2. That the Revised Statutes when ready for delivery, shall be distributed as follows, to-wit: To the Governor, Lieutenant Governor, Secretary, Auditor, and Treasurer of State, to the Judges, Clerk and Sheriff of the Supreme Court, to the President Judges and Prosecuting Attorneys of the judicial circuits, to the Judges, District Attorney, Clerk, and Marshal of the United States Court for Indiana, to the Library of Congress, to the Departments at Washington, to the Colleges in this State, to the County Libraries, and County Seminaries, to the members of the present General Assembly, to the regular Secretaries and Clerks thereof, one copy each; and to each State and Territory of the United States, three copies. There shall be forwarded to the counties in this State as follows, to-wit: To the counties of Clark, Decatur, Dearborn, Franklin, Fountain, Harrison, Henry, Hendricks, Jefferson, Lawrence, Marion, Montgomery, Putnam, Parke, Rush, Shelby, Tippecanoe, Vigo, Washington and Wayne, each eighty copies; to the counties of Bartholomew, Boone, Delaware, Floyd, Fayette, Gibson, Greene, Hamilton, Jackson, Jennings, Johnson, Knox, Laporte, Morgan, Madison, Monroe, Orange, Owen, Posey, Ripley, Randolph, Sullivan, Switzerland, Union, and Vermillion, seventy copies each; to the counties of Allen, Crawford, Clay, Cass, Clinton, Carroll, Daviess, Elkhart, Hancock, Spencer, St. Joseph, Vanderburgh, Warrick and Warren, sixty copies each, and to each of the other counties in the State, fifty copies.

Residue, how
disposed of.

SEC. 3. That after making such distribution, the residue of such copies shall be deposited in the State Library for safe keeping, of which copies the Treasurer of State is hereby authorized to sell and dispose of any number not exceeding one thousand five hundred: *Provided*, that not more than one copy be sold to one person.

Secretary to
give notice of
cost.

SEC. 4. As soon as the Secretary of State shall ascertain the reasonable cost per volume of the Revised Statutes, he shall give notice thereof in the Indiana Journal and State Sentinel.

County Treas-
urers to re-
ceive subscrip-
tions.

SEC. 5. It shall be the duty of the county Treasurers in each county in this State, to receive subscriptions for said Revised Statutes until the first day of October next, and shall then certify to the Treasurer of State, the number of copies subscribed and paid for, who shall charge the amount to said county, and collect the same when the State revenue is paid next thereafter. And the Treasurer of State shall furnish to the Secretary of State a list of all such subscriptions, whose duty it shall be to

forward said copies, with the Laws to the respective counties, to be delivered to the subscribers.

SEC. 6. The following officers in each county shall be entitled each to a copy of said Statutes, to-wit: Clerk of Circuit Court, Recorder, Sheriff, Coroner, Treasurer, Auditor, School Commissioner, Associate Judges, Probate Judge, County Commissioners, County Surveyor, Justices of the Peace, and Congressional Township Clerks, (for the use of the inhabitants of the township.)

SEC. 7. Every person entitled to a copy of said Statutes, and who has received the same (except the persons named in the second section of this act) shall deliver over the same to his successor in office, and the same shall remain the property of the State of Indiana; and if any person aforesaid, who is bound to deliver to his successor such Code, shall refuse, on demand, so to do, he shall forfeit and pay any sum not less than five nor more than fifteen dollars, to be recovered in an action of debt in the name of the State of Indiana, before any justice of the peace for the use of the county seminary in said county.

SEC. 8. It shall be the duty of the Clerks of the circuit court to carefully retain in their offices such surplus copies of said Statutes as may remain after the proper distribution is made under this act.

SEC. 9. The State Printers are hereby directed when they print the act in relation to common schools, and the act in relation to public roads and highways, to strike off, at the cost of press work only, six thousand additional copies of each of said acts, which the Secretary of State shall cause to be stiched in pamphlet form, and forwarded in proper proportions to the school commissioners and county auditors, for the use of the school and road districts in the respective counties, to which shall be made, by the Secretary of State, a full and complete index.

SEC. 10. That the Secretary of State cause such additional number of the special acts of the present and subsequent sessions of the General Assembly to be printed as will supply one copy to each congressional township clerk, for the use of the inhabitants of the township.

SEC. 11. That such general acts passed at the present session of the General Assembly, as are not embraced in the Revised Statutes, be printed in pamphlet form, and with the local acts and Journals be distributed in the manner, and at the time now provided for by law, and at as early day as practicable.

SEC. 12. That the revisors of said Statutes heretofore appointed, be directed and required to superintend the publication of the Revised Statutes, to examine the proof

Penalty for
failing to de-
liver laws to
successor.

Surplus copies
to be retained
by clerks.

Additional
number of lo-
cal acts.

&c., distribu-
ted.

amine proof
sheets, &c.

Marginal references.

Constitution &c., to be printed.

Part to be printed in pamphlet form.

sheets, to compare the same with the original acts, to prepare marginal notes to the sections, an analytical index to each article to be placed at the head thereof, an analytical table of the articles contained in each chapter, to be placed at the head of the chapter, and an exact and copious index of the whole volume.

SEC. 13. That so far as the same can be done, marginal references to decisions of the Supreme court of Indiana, and such other references as can be made conveniently, shall be inserted in connection with the appropriate sections.

SEC. 14. That in addition to the Revised Statutes and the other acts to be printed in the same volume, the Articles of Confederation, the Declaration of Independence, the Constitution of the United States, the Constitution of the State Indiana, and the Laws and Ordinances prefixed to the Revised Statutes of 1838, shall also be printed and bound therewith.

SEC. 15. That so much of the Revision as relates to the duties of county auditors, county assessors, county treasurers, and the whole chapter on the assessment and collection of taxes, occupying eleven articles, be and the same are hereby declared to take effect on the first of March next; and it shall be the duty of the Secretary of State, to cause to be printed as soon as practicable, two hundred copies thereof; also the local acts relating to county auditors; and, also, the act providing for county treasurers discharging the duties of school commissioners, whenever they may resign; to be stitched, and by him forwarded as follows; one copy to each county auditor, and one copy to each county treasurer.

SEC. 16. This act shall be in force from and after its passage;

CHAPTER XXXI.

An Act to amend an act entitled "an act to provide for the inspection of Salt, Beef, Flour, Pork, and Tobacco," approved February 17th 1838.

[APPROVED, FEBRUARY 9, 1843.]

Fee.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the fee for inspecting salt, as provided by the first section of the above named act, to be paid by the owner, be, and the same is hereby redu-

ced to the sum of two cents per barrel, which sum, and no more, shall hereafter be allowed and paid by such owner.

SEC. 2. So much of the act to which this is an amendment as comes within the purview of this act, be, and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

CHAPTER XLII.

An Act amending an act entitled "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That so much of said act as imposes "two cents on each and every acre of land subject to taxation" in the county of Fulton, be and the same is hereby repealed, and in lieu thereof, the sum of one and a fourth cents on each and every acre of land in the said county of Fulton shall be imposed, to be governed in every other respect by the provisions of the act to which this is an amendment: *Provided*, that all taxes assessed under the said act in said county of Fulton, which have not yet been paid or worked out, may be paid or worked out by the first day of October next.

SEC. 2. That the act entitled "an act to compel speculators to pay a road tax equal to that paid by actual settlers," approved January 31st, 1842, be and the same is hereby repealed in the county of Marshall. And the law in operation in said county prior to the passage of the above recited act, is hereby revived and declared to be in full force therein.

SEC. 3. This act to be in force from and after its passage.

CHAPTER XLIII.

An Act for the relief of the borrowers of the sinking fund, surplus revenue fund, saline fund, college fund, and common school fund.

[APPROVED, FEBRUARY 13, 1844.]

Acts of commissioners legalized.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the acts of the agents and commissioners of the sinking fund, surplus revenue fund, saline fund, college fund, and school fund, in loaning said funds for five years from and after the first day of January, A. D. 1842, be, and the same is hereby legalized so far as relates to the time which said loans will run.

New loans shall be for five years.

SEC. 2. That hereafter all new loans of said funds shall be for the term of five years from and after the first day of January, A. D. 1842, in accordance with the laws now in force on that subject, except so much thereof as authorizes new loans to be made on personal security.

CHAPTER XLIV.

An Act in relation to enrolling the acts of the General Assembly.

[APPROVED, FEBRUARY 11, 1843.]

WHEREAS, it appears by a report of the Auditor of State recently made, that by the present system, the enrolling of the two Houses costs annually, upon an average, about seven hundred and thirty dollars; and, whereas, by the numerous interpolations in the printed acts made by the Secretary of State, to supply omissions, it is evident that the duty is often performed in a very careless manner, and by careless persons; therefore, in order to curtail useless expense, and to secure that service to be performed more correctly;

Secretary of State to procure the enrolling to be done.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter there shall be no Enrolling Secretary or Clerk elected by either branch of the General Assembly, and that the Secretary of State shall hereafter cause the enrolling to be done in a fair, legible hand, with correct punctuation and orthography, for which he shall be held officially responsible.

SEC. 2. That the sum of two hundred dollars is here-

by appropriated, annually, to defray the expense of such enrolling, and said Secretary of State is hereby required to bring said expense within the sum aforesaid.

CHAPTER XLV.

An Act to amend an act entitled "an act for the preservation of sheep," approved January 25th, 1841.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the tax directed to be levied and collected upon dogs, by the first section of the act to which this is an amendment, shall hereafter be fifty cents on each dog, (excepting one for each family) in lieu of one dollar; and so much of the first section of said act, as contravenes the provisions of this act, be, and the same is hereby repealed.

SEC. 2. This act to take effect and be in force, in the Effect limited. counties of Fayette and Wayne, from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER XLVI.

An Act to regulate the sale of real estate by executors, administrators, and guardians.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all sales of real estate by any executor, administrator, or guardian, by virtue of any will or order of court, shall be made under such rules and regulations as to appraisement, and the amount for which such property shall be sold, as at the time of such sale regulate and control sales under execution or decree.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XLVII.

An Act to require the Bank to continue specie payments, and to enable it to maintain them.

[APPROVED, FEBRUARY 13, 1843.]

No stay of execution &c. on judgment against the Bank.

Stay of execution on judgment in favor of the Bank.

No valuation of property when.

Proviso.

No valuation on certain contracts after the first of June.

Property to be sold on a credit, when.

Second and third sections limited in their application.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any judgment shall be rendered against the State Bank, there shall be no stay of execution nor valuation of property.

SEC. 2. Whenever the said Bank shall, after the first day of June next, discount any bill of exchange or other mercantile paper prepared to be discounted in the same, the whole consideration of which shall have been created or advanced after the said first of June, there shall be allowed a stay of execution for six months from the date of the judgment, on giving sufficient security, but no appraisement or valuation shall be required or allowed before the sale of the property, which may, on being duly advertised, be sold to the highest bidder: *Provided*, that this act shall not extend to judgments rendered upon any domestic bill of exchange, which may have been issued, sold, or discounted by any Branch of said Bank, for a higher premium or reward, including all charges, than six per centum per annum.

SEC. 3. From and after the first day of June next, if any person or persons, for a consideration arising wholly after that time, shall agree in writing to pay any sum of money without any relief whatever, from valuation or appraisement laws, judgment shall be rendered accordingly, and after the same stay, provided in the foregoing section, if sufficient security be given, and if not immediately, property may be taken on execution and sold as is therein provided.

SEC. 4. That whenever any person or persons are unable to procure his, her, or their judgment or judgments to be replevied under the provisions of this act, his, her or their property shall be sold under the same length of credit that he, she or they would be entitled to stay said judgment, which judgment bond shall be given to the acceptance of the officer effecting the sale, on which execution may issue when due, and property when levied on to satisfy said bond shall sell without appraisement as other property under this act.

SEC. 5. The second and third sections of this bill shall be construed to relate to and be applicable only to new loans and business transactions of the Bank and Branches,

and by and between individuals, contracted and created from and after the first day of June, 1843, and shall not be applied by the Bank or Branches, directly or indirectly, to any loans, discounts, or dealings heretofore had, nor shall any renewal of any note or arrangement on any bill or bills of exchange now in existence, or that may be created either by and between individuals or with the Bank, before the first of June next, (shall not)* be made subject to any other laws of this State, for their collection, than those now in existence.

SEC. 6. After the payment of the sinking fund scrip Surplus profits of Bank & c. pledged. and the semi-annual interest on the one million three hundred and ninety thousand dollars of state bonds, sold for Bank stock, all the future profits of the Bank, and the interest of the sinking fund and the principal shall be pledged to enlarge the sinking fund, until it become a sufficient security to pay the said state bonds when they become due.

SEC. 7. This act to take effect and be in force from and after the first day of June next.

CHAPTER XLVIII.

An Act to provide for the reduction of the state and individual stock in the State Bank, and for other purposes.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Treasurer of State be, and he is hereby authorized to surrender and cancel four hundred and thirty-seven thousand four hundred and fifty dollars of the stock held by the State in the State Bank of Indiana, so as to reduce the amount of stock so held to the amount of the original charter capital, and the same, when so reduced, shall be subject to all the liabilities and privileges of the charter capital.

SEC. 2. Such surrender shall be made of such stock, Payment, how made. only in such Branches as shall pay for the same, one fifth in bankable funds, and for the residue, the Treasurer may receive the six per cent. funds [bonds] issued for the fourth instalment of the surplus revenue, or the five per cent. Treasury Notes.

*The words "shall not," in parenthesis should be omitted.

Secretary of State.

Residue of state stock how divided among the Branches.

Treasurer of State may transfer certain stock.

Surrender of individual stock:

Duty of branch board:

Proviso:

SEC. 3. In making such surrender, the residue of the state stock may be divided among the Branches, in such portions as may be determined upon by the Board of State Directors, by and with the consent of the Branches interested, not so, however, as to reduce the amount of state stock in any Branch below fifty thousand dollars.

SEC. 4. Should any Branch not be willing or able to pay for the stock therein to be cancelled, the Treasurer may, by and with the consent of the State Board, transfer such stock, or any portion thereof, to any other Branch or Branches who may comply with the terms of payment.

SEC. 5. That on application of any Branch of the State Bank of Indiana, setting forth that persons indebted to such Branch, and who are stockholders therein, are unable to discharge their indebtedness, and desire to surrender the stock held by them, in discharge of such indebtedness, on terms equitable and just to all the parties, the President of the State Bank and Treasurer of State, on the part of the State, shall form a commission to examine the condition of such Branch, and carefully to ascertain its real and probable condition on its discount line, banking houses, and all other assets, so as to be able to place a fair value on the stock of such Branch. Said commission shall also enquire into and ascertain as to the ability or inability of each of such stockholders who shall desire to surrender their stock in discharge, in whole or in part, of their indebtedness, as aforesaid; and if they shall be satisfied that, from embarrassment or insolvency, there will be no hope or probability that such debtor will be able, in any reasonable time, to pay his debts to the Branch, they shall certify such fact to the directory of the Branch, together with the fair value of shares of stock in such Branch, as ascertained in manner aforesaid.

SEC. 6. That upon the receipt of such certificate, it shall be the duty of the board of directors of such Branch to permit such debtor or debtors to relinquish their stock in the Branch, and to credit the amount of the stock so surrendered, at the price so ascertained as aforesaid, on the proper debt of such retiring stockholder: *Provided*, that, at any time within twelve months from the taking effect of this act, the said board may, by the unanimous consent of all the directors of such Branch, in like manner permit other debtors, who they may be satisfied are unable to discharge their indebtedness, to surrender their stock, and credit the amount at the price aforesaid, upon their proper debt; but such Branch directory shall not permit any such surrender of stock, in

discharge of any debt, unless it shall be clear and manifest that such debt cannot be otherwise liquidated, nor until the value of the stock be ascertained as aforesaid.

SEC. 7. That the expenses of the commission herein provided for shall be paid by the Branch calling for the appointment.

SEC. 8. The bonds and Treasury Notes received in payment of the stock so surrendered, shall be cancelled the same as other bonds and Treasury Notes when redeemed; and the bankable funds received in payment of such stock, shall be paid out by the Treasurer for the current expenses of the State.

SEC. 9. That no Branch shall be entitled to reduce individual stock therein, under the provisions of this act, to any greater amount or extent than the state stock shall have been reduced therein under the provisions of this act, unless there shall be a surplus remaining to any Branch, which, with the consent of said commissioners, may be transferred to any other Branch.

SEC. 10. That when the Board of Directors of the State Bank, shall close any one or more of its Branches, for any cause, and put its affairs into a course of settlement, the commissioners of the sinking fund shall be authorized to cancel and surrender to the Bank the stock owned by the State in such Branch or Branches, upon receiving in exchange an equal amount of such Treasury Notes as aforesaid.

SEC. 11. In making such surrender of stock, equal privileges, as near as may be, shall be given to the branches given for the fourth instalment, remain unpaid in any render: Branch after the arrangement contemplated by this act is completed, the Treasurer may exchange for the same any of the five per cent. notes by him received in payment of such stock.

SEC. 12. When any Branch holds, directly or by trustees, any of its own stock, such stock shall be first cancelled; and where any debtor against whom the Branch holds a judgment, neglects or refuses to have the same cancelled under the provisions of this act, such stock may be sold, on execution, to the Branch and cancelled.

SEC. 13. This act shall be in force from and after its passage.

CHAPTER XLIX.

An Act supplemental to an act entitled "An act to provide for the reduction of State and Individual Stock in the State Bank and for other purposes," [approved February 2d. 1843.]

[APPROVED, FEBRUARY 13, 1843.]

Privileges &c, deferred: SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all the requirements, privileges, and provisions of the act to which this is a supplement, be, and the same are hereby deferred and postponed until the first day of January, one thousand, eight hundred and forty-four, as to such Bank or Branch thereof as shall not, on or before the tenth day of March next, file its acceptance of the same in the office of the Secretary of State.

This act to be in force from and after its passage.

CHAPTER L.

An Act concerning the eligibility and qualifications of Directors of the State Bank and Branches thereof.

[APPROVED, FEBRUARY 11, 1843.]

Ineligibility of directors. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter no person shall be eligible as director of the State Bank of Indiana, who shall at the time of the election, be indebted to any branch or branches of said bank; and no person shall remain a director of the State Bank who shall be so indebted after eighteen months from the passage of this act; but if any such director shall be so indebted at the expiration of that period, his place as director shall be vacated.

Number of the branch board. SEC. 2. The board of directors of each branch of the State Bank shall, after the next annual election of directors thereof, consist of three directors on the part of the State and not less, and not more than six, nor less than four directors on the part of the other stock holders, at the discretion of the board of directors of the State Bank; any five of which directors of any Branch Bank shall form a quorum to transact business.

Indebtedness of directors limited. SEC. 3. No director of a branch of the State Bank shall, after notice of this act, become indebted to any

branch or branches of the State Bank, as principal, or as surety in a greater sum than two thousand dollars; nor shall any person be eligible as director, if his indebtedness to any such branch or branches, at the time of election, shall exceed the amount aforesaid.

SEC. 4. No stock-holder in any branch of the State Stock-holders Bank who, at the time of the annual election of directors, shall be indebted to such branch, as principal or surety, on any judgment at law, or decree in chancery, or on any bond, bill, or promissory note, or who shall have failed to comply with the requisitions of payment demanded by the directors of such branch, where time of payment shall have been extended, shall be permitted to vote for directors of such branch.

SEC. 5. This act shall take effect and be in force from When to be in and after the date when the president and directors of the State Bank, and the president and directors of the branches thereof shall file their consent thereto, in the office of the Secretary of State.

CHAPTER LI.

An Act to repeal the thirtieth section of the second amendment of the Bank Charter, and the act to create a seventeenth Branch Bank District.

[APPROVED, FEBRUARY 10, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the thirtieth section of the act of surplus revenue, act of 1837, repealed on the 6th of February, 1837, entitled "an act for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress" approved 23d of June, 1836, be, and the same is hereby repealed: *Provided*, that this repeal shall not extend to, nor affect any branch of the State Bank of Indiana, that shall have been established and put into operation under and by virtue of said section.

SEC. 2. That the act approved on the 31st of January, 1842, entitled "an act to create a seventeenth branch bank district, be, and the same is hereby repealed." *Act to create a seventeenth branch bank district, repealed.*

SEC. 3. This act shall take effect and be in force from and after the passage thereof.

CHAPTER LII.

An Act to amend an act relative to granting license.

[APPROVED FEBRUARY 10, 1843.]

Certain articles may be sold without license.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That citizens of this State who, in exchange for articles of their manufacturing or products of agriculture, receive groceries, dye-stuffs, oils, paints, or cloths, may, and they are hereby authorized to sell the same within their proper county without procuring a license therefor.

SEC. 2. This act shall be in force from and after its passage.

CHAPTER LIII.

An Act to amend the several acts for the regulation of the State Prison.

[APPROVED JANUARY 28, 1843.]

Reports to be made to Auditor semi-annually. **SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That, hereafter, it shall be the duty of the clerk of the state prison to make his semi-annual reports to the Auditor of Public Accounts on the first of April and first of October, annually.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LIV.

An Act fixing a premium on wolf scalps.

[APPROVED, JANUARY 28, 1843.]

Premium on Wolf scalps. **SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That, hereafter, the same bounty shall be paid by the several counties in this State, for the killing of all wolves, without any reference to their age or size.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LV.

An Act to authorize a special term of the Probate Court in Allen county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the judge of the probate court, in and for the county of Allen, be authorized, and he is hereby directed to hold a special term of said court on the second Monday in March, 1843, for the transaction of business therein pending, to hold and continue its session for one week, if business shall so long require.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LVI.

An Act to change the time of holding Probate Courts in Jay county.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, hereafter, the probate courts of the county of Jay, shall be holden on the third Mondays of February, May, August, and November, instead of the second Mondays thereof, and shall sit six days at each term, if necessary; all writs, subpœnas, process, and papers of every description, issued, served, or executed with a view to said courts being holden at a time different from that herein provided, shall be taken and construed, in all things, as having reference to the provisions of this act, and shall be valid, in all respects, as they would be were no change herein created.

SEC. 2. This act to take effect from and after its passage; and the Secretary of State shall forward a certified copy of this act to the clerk's office of said county.

CHAPTER LVII.

An Act to change the time of holding Probate Court in the county of Vigo.

[APPROVED, FEBRUARY 11, 1843.]

Terms.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the probate courts in the county of Vigo shall, from and after the next February term, be held as follows: commencing on the second Mondays of April, July, October, and January, and shall, at each term, sit twelve days if the business thereof require it.

SEC. 2. All laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LVIII.

An Act providing for the alteration of the time of holding Probate Court in the county of Allen when the present terms shall conflict with the terms of the Circuit Courts of said county.

[APPROVED, JANUARY 28, 1843.]

Terms.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any of the sessions of the circuit and probate courts of the county of Allen shall happen at the same time, that then the said term of the probate court shall be held the week preceding the said term of the circuit court.

SEC. 2. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward to the clerk of the Allen circuit court a certified copy of this act.

CHAPTER LIX.

An Act relating to the jurisdiction of justices of the peace in Crawford, St. Joseph, Franklin, and LaPorte counties.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Jurisdiction of Indiana,* That the jurisdiction of justices of the peace in the counties of Crawford, Franklin, Laporte and St. Joseph in all civil cases, shall, in all respects, be governed by the provisions of the twenty-fourth section of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838; and nothing in the Revised Code passed at the present session of the Legislature, shall be so construed as to affect the jurisdiction of justices of the peace in the counties above named.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LX.

An Act to regulate the jurisdiction of justices of the peace in the counties of Union, Johnson, and Martin.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Jurisdiction of Indiana,* That the jurisdiction of justices of the peace, in civil cases, in the counties of Union, Johnson, and Martin, shall be governed by the provisions of the one hundred and third section of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, all laws to the contrary notwithstanding.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXI.

An Act to change the mode of doing county business in the counties of Warrick and Dubois.

[APPROVED, FEBRUARY 11, 1843.]

County business to be done by justices.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the mode of doing county business in the counties of Warrick and Dubois, be, and the same is hereby changed, so that, hereafter, the said county business shall be done by the duly elected, commissioned, and acting justices of said counties, and that a majority thereof shall constitute a quorum to do business.

Compensation.

SEC. 2. And that the said justices, as the full compensation for their services herein, they shall be exempt from performing military duty in said counties, and serving as grand and petit jurors, and working the roads. All laws contravening the provisions of this law are hereby repealed.

SEC. 3. This act to be in force from and after its publication.

CHAPTER LXII.

An Act to amend an act approved January 29th, 1842, entitled "an act to provide the mode of doing township business in Miami county," approved December 24th, 1840.

[APPROVED, FEBRUARY 2, 1843.]

Times of meeting.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the several boards of township trustees in the county of Miami, under the provisions of an act for a more uniform mode of doing township business in the several counties therein named, approved February 17th, 1838, are hereby authorized to meet on the second Mondays of January, April, July, and October, annually, and at such other times as they may deem necessary, and said trustees may adjourn from day to day should their business require it: *Provided*, that said trustees shall not sit more than twelve days in any one year.

Compensation.

SEC. 2. The said trustees shall receive for their services one dollar each for each and every day they may be necessarily employed, to be allowed by the board of

trustees doing township business in the several townships where such service is rendered.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXIII.

An Act in relation to the Jeffersonville and Crawfordsville turnpike road.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the several boards doing county business in the several counties in this State through which the Jeffersonville and Crawfordsville McAdamized road runs, be, and they are hereby authorized and empowered to appoint supervisors on the said road.

SEC. 2. That the said supervisors shall have full power to take, use, and appropriate all the materials now lying along and on said road, for the purpose of repairing and bridging said road, as said boards doing county business, as aforesaid, may order and direct.

SEC. 3. That said boards aforesaid may adopt said McAdamized road as a state road: *Provided*, that nothing herein contained shall prevent any company or companies from prosecuting to completion the said McAdamized road, or any part thereof, under and according to the provisions of an act entitled, "An act to provide for the continuance of the construction of all or any part of the public works of this State by private companies, and for abolishing the board of internal improvement and the offices of Fund Commissioner and Chief Engineer," approved January 28th, 1842.

The said supervisors shall be governed by, and liable to all the pains and penalties by the laws now in force how governed, in this State on the subject of opening and repairing public roads and highways.

SEC. 3. Whenever it shall be deemed proper by the board doing county business for any county through which such road may pass, a toll gate may be erected by order of the proper board, at or near any bridge erected by such county authority; and the county within whose limits such bridge or toll-gate may be, shall keep such bridge in proper repair; such county shall also pay the charges, and have the receipts and management thereof;

and when the bridge shall be erected over a stream making the boundary line between any two counties, each county shall receive an amount of tolls in proportion to the money advanced by it, after deducting expenses; and in such case such counties, by their agents, may agree upon terms on which such bridge shall be constructed and managed.

This act to be in force from and after its passage.

CHAPTER LXIV.

An Act to repeal certain parts of an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17th, 1838, so far as the same relates to the county of Clay.

[APPROVED, FEBRUARY 11, 1843.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the above mentioned act as authorizes the township trustees to establish any township or county road, or change any state, county, or township road, in any of the townships in the county of Clay, be, and the same is hereby repealed, so far as the same relates to the county of Clay.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXV.

An Act to reduce the tolls on the New Albany and Vincennes road, and to provide for the completion of the grade from Paoli to Mount Pleasant.

[APPROVED, JANUARY 31, 1843.]

Tolls.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the passage of this act the tolls on the New Albany and Vincennes road shall be as follows, to-wit:

For the average distance of eight miles and in proportion thereto there shall be charged	
For every score of hogs or sheep, -	\$0 10
For every score of cattle, -	20
For every led or driven horse, mule, or ass, -	3
For every horse and rider, -	6 $\frac{1}{4}$
For every sled or slay drawn by one horse or ox, -	6 $\frac{1}{4}$
For every additional animal drawing the same, -	3
For each Dearborn, Sulky, Chaise, Gig, or Buggy, drawn by one horse, -	20
Same drawn by two horses, -	25
For every Chariot, Coach, Coachee, Barouche, Stage, or Hack, drawn by two horses, -	25
Same drawn by four horses and not having wheels of less than three inches in breadth, -	37 $\frac{1}{2}$
Same, with wheels four inches in breadth, -	31 $\frac{1}{4}$
Same, with wheels five inches in breadth, -	25
Same, with wheels six inches in breadth, -	18 $\frac{3}{4}$

WAGONS.

For every cart or wagon drawn by one horse, -	12 $\frac{1}{2}$
For every cart or wagon drawn by two horses, with 2 $\frac{1}{2}$ inch wheels, -	18 $\frac{3}{4}$
For every cart or wagon drawn by three horses, with 2 $\frac{1}{2}$ inch wheels, -	20
For every cart or wagon drawn by four horses, with 2 $\frac{1}{2}$ inch wheels, -	25
For every cart or wagon drawn by five horses, with 2 $\frac{1}{2}$ inch wheels, -	30
For every cart or wagon drawn by six horses, with 2 $\frac{1}{2}$ inch wheels, -	35
For every wagon drawn by four horses or oxen, with four inch wheels, -	20
For every wagon drawn by five horses with four inch wheels, -	22 $\frac{1}{2}$
For every wagon drawn by six horses with four inch wheels, -	25
For every wagon with five inch wheels drawn by four horses, -	18
For every wagon with five inch wheels drawn by five horses, -	20
For every wagon with five inch wheels drawn by six horses, -	22
For every wagon with six inch wheels drawn by four horses, -	10
For every wagon with six inch wheels drawn by five horses, -	12 $\frac{1}{2}$

Repairs.

For every wagon with six inch wheels drawn by six horses,	18
And for each horse in addition to six in the above description of wagons,	3

Agent's salary, &c.,

SEC. 2. From and after the passage of this act the agent on the New Albany and Vincennes road shall not expend for repairs between New Albany and Paoli, any sum exceeding five hundred dollars in any one year; and the said agent shall lay off the road between the above points, in eight divisions, and shall give public notice that bids will be received for the keeping of each division in repair, which notice shall be published at least six weeks before any such letting, and said agent shall rent out any toll-house not occupied as a gate.

SEC. 3. The agent referred to in the second section of this act shall not receive a greater sum in any one year, as a salary, than one hundred dollars, and he shall not allow to any gate keeper over one hundred dollars per annum. And all other funds that shall come into his hands on said road shall be paid over as is hereafter provided, in such funds as may be received for tolls.

Proceeds of road, how disposed of.

SEC. 4. The one half of such funds as shall be an excess over the expenses allowed in the second and third sections of this act, shall be paid over to Jonathan Braxton on the claim he holds for building the gates and toll-houses on said road, until the whole amount of such claim with six per cent. interest from first January, 1842, is liquidated; and the other half shall be paid to some suitable person, to be appointed by the Governor, as commissioner on that portion of the road which lies between Paoli and Mount Pleasant, and the Governor is hereby authorized to appoint the same.

Governor to appoint agent.

Bond.

Commissioner to receive subscriptions &c.

SEC. 5. The commissioner appointed as provided in the fourth section of this act shall take an oath of office, and shall give bond and security in the penal sum of five thousand dollars, for the faithful discharge of his duties.

SEC. 6. The commissioner, as provided in the fourth section of this act, shall have power to receive subscriptions in money or labor, [or their equivalent], to any amount necessary to the completion of the grade and bridging between Paoli and Mount Pleasant, and persons so subscribing shall, upon payment being made, be entitled to a certificate of the same, to be issued by the commissioner, bearing six per cent. interest until paid; and such certificates may be transferred from one to another without assignment, and all certificates so issued shall be paid in tolls from the road, and all moneys not otherwise appropriated in this act accruing from said road is hereby

pledged for the redemption of the same: *Provided*, that all moneys received by the commissioner from the agent aforesaid shall be applied to the grade or bridging most needing the same, so as to render it passable for travellers, as early as possible.

SEC. 7. The appropriations made in the second and third sections of this act shall be retained in quarterly amounts by the agent, and the residue shall be paid quarterly to the commissioner and to Braxton, as provided in this act. The commissioner to be appointed by this act shall receive for his services two dollars per day for each day he may [be] necessarily employed, to be paid out of such moneys as may come into his hands under the provisions of this act.

SEC. 8. The agent appointed as herein provided shall if, in his discretion, he deems it advantageous to the travelling community or other public interest, cause the said ^{Road between Vincennes & Mt. Pleasant} road, or any part thereof, to ^{ed.} be opened from Mount Pleasant to Vincennes, provided it can be done without liability on the part of the State of Indiana.

SEC. 9. This act to take effect and be in force from and after its passage; and the Secretary of State shall furnish a copy to the agent on the New Albany and Vincennes road, and also to the commissioner, when appointed.

CHAPTER LXVI.

An Act to amend the act in relation to descents, distribution, and dower.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the widow of any decedent shall be entitled to select, at its appraised value, property of her said deceased husband to the amount of one hundred and fifty dollars, or if the said property shall have been sold, shall be entitled to receive out of the proceeds of such sale, the sum of one hundred and fifty dollars in money, for which she shall not account; all laws and parts of laws coming within the purview of this act are hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXVII.

An Act to amend an act entitled "an act to regulate the mode of summoning and empanelling Grand and Petit Jurors, approved, February 17th, 1838.

[APPROVED, JANUARY 28, 1843.]

Number of
jurors for
Tippecanoe
county.

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter in the selecting of grand and petit jurors for the county of Tippecanoe, there shall be only fifteen grand, and twenty-four petit jurors selected according to the provisions of the act to which this is an amendment; twelve of said petit jurors shall be elected for the first week, and twelve for the second and third weeks of each term of the circuit court of said county.

SEC. 2. So much of the act entitled "an act to regulate the mode of summoning and empanelling grand and petit jurors, (approved, February 17, 1838,) as contravenes the provisions of this act be, and the same is hereby repealed.

SEC. 3. This act to be in force from and after the first day of April next.

CHAPTER LXVIII.

An Act abolishing docket fees, and dispensing with final records in certain cases.

[APPROVED, JANUARY 28, 1843.]

Docket fees
abolished.

Circuit

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act entitled "an act regulating fees and salaries of the several officers and persons therein named," approved, February the 7th, 1831, as authorizes fees to be taxed in favor of attorneys, either in the supreme court, or probate courts, be, and the same is hereby repealed, excepting so much as allows to prosecuting attorneys docket fees in criminal cases: *Provided, however,* that no more than one docket fee shall be charged upon or for the trial of any one indictment or presentment.

No final rec-
ords, except
in certain
cases.

SEC. 2. That no final record shall be made by the clerks of the respective courts in this state at the cost of

the party losing the same, in any cause tried and determined in any court, except in criminal cases, where a final hearing has been had upon the merits and judgments thereon in chancery cases, in actions where the title to real estate is tried and determined, or where heirs, executors, administrators, or guardians are parties, but any party may have such final record made at his own proper costs, in any case.

SEC. 3. It shall be lawful for any defendant or defendants to any *scire facias* to charge real estate to plead in abatement of the *scire facias*, that said defendant or defendants had no real estate in said county at the time of issuing and service of said *scire facias*.

SEC. 4. This act to take effect and be in force from and after its passage.

Plea in abate-
ment of *scire
facias*.

CHAPTER LXIX.

An Act abolishing a complete record in certain criminal cases.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall not be lawful for the clerks of circuit courts to make out complete records, in any criminal case, except in cases of felony, or where the punishment is confinement in the state prison; but in all such cases, the order book, or a transcript thereof, shall be sufficient evidence of such proceedings.

SEC. 2. This act to be in force from and after its passage.

CHAPTER LXX.

An Act to provide for summoning Grand and Petit Jurors in the county of Madison.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, hereafter, there shall be drawn

Grand jury.

by the board of commissioners, and summoned, only fifteen persons to serve as grand jurors at each term of the circuit court of the county of Madison.

Petit jury.

SEC. 2. Hereafter, at each term of said court, in each case to be tried by a jury, it shall be the duty of the sheriff of said county, or other officer under the direction of the court, to select from among the citizens householders or freeholders of said county, twelve jurors to try such case, who shall be subject to the same obligations, and in all things governed in the same manner, as petit jurors are now subject to and governed, any law to the contrary notwithstanding.

SEC. 3. In any case so to be tried by such jury, where the right of peremptory challenge has heretofore been limited to three jurors, each party shall hereafter have the right to challenge eight jurors peremptorily.

SEC. 4. All acts contravening the provisions of this act are hereby repealed.

SEC. 5. This act to be in force from and after its passage.

Right of challenge.

CHAPTER LXXI.

An Act relative to summoning petit jurors in the counties of Sullivan, Madison, Owen, and Vermillion.

[APPROVED, FEBRUARY 11, 1843.]

Act of 1838
inapplicable
in certain
counties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter the act entitled "An act to regulate the mode of summoning and empanelling grand and petit jurors," approved February 17th, 1838, so far as said act prescribes the mode of selecting petit jurors, shall not apply to the counties of Sullivan, Madison, Owen, and Vermillion.

Jurors select-
ed from among
the by-stand-
ers.

SEC. 2. That hereafter at each session of the circuit court in the counties of Sullivan, Madison, Owen, and Vermillion, in each cause to be tried by a jury in said courts, it shall be the duty of the sheriffs of said counties, when ordered by the court, to select from among the citizens, householders, of said counties, twelve jurors to try such cases, who shall be subjected to the same obligations and entitled to the same compensation for the time they may be employed, as jurors are now entitled to by the provisions of the act for which, (so far as relates to

the counties of Sullivan, Owen, Madison, and Vermillion) this is a substitute, and the acts supplemental or amendatory thereto, any thing in any act or part of an act to the contrary notwithstanding.

SEC. 3. This act to take effect and be in force as soon as a certified copy thereof be filed in the clerks' office of Sullivan, Owen, Madison, and Vermillion counties.

CHAPTER LXXII.

An Act to amend an act entitled "an act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes," approved December 29th, 1841, and continuing the laws in reference to the manner of selecting jurors in Bartholomew, Jackson, and Hancock counties.

[APPROVED, FEBRUARY 8, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the second section of the above recited act be, and the same is hereby so amended that the words "or freeholders" shall be supplied immediately after the word "householders" in the sixth line of said second section, so as to make it read "householders or freeholders."

SEC. 2. That the laws now in force regulating the present laws manner of selecting traverse jurors in Bartholomew, to be in force, Jackson, and Hancock counties, shall be, and remain in full force and effect, any law passed at this or any previous session of the General Assembly to the contrary notwithstanding.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER LXXIII.

An Act fixing a certain annual compensation to the auditors of Hancock and Boone counties.

[APPROVED, FEBRUARY 9, 1843.]

Compensation to auditor. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boards of commissioners of Hancock and Boone counties shall be restricted in their allowance to the county auditor for all services that are now or may hereafter be required of him by law, to the sum of one hundred and fifty dollars per year, and no more, but nothing in this act shall be so construed as to prohibit the said boards of commissioners to allow said auditors a less sum annually than the aforesaid sum, if, in their opinion, his services are not worth that amount.

Repeal, SEC. 2. All laws and parts of laws coming within the purview of this act are hereby repealed. This act to be in force from and after its passage; and it shall be the duty of the Secretary of State to transmit a copy of this act, by mail, to the said auditors, who shall file the same in their offices.

CHAPTER LXXIV.

An Act to amend the 12th section of an act entitled "An act prescribing the duties of county treasurers," approved February the 12th, A.D. 1841.

[APPROVED, JANUARY 28, 1843.]

Treasurer to report kind of money, &c. to county board. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the county treasurer shall, at each session of the county board, report the amount of money and kind of funds received by him during the preceding quarter, on the tax duplicate and from all other sources.

SEC. 2. This act shall be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER LXXV.

An Act reducing the fees of the auditors in to counties of Morgan, Owen Monroe, Knox, Gibson, and Fountain.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boards of commissioners of certain auditors, the counties of Morgan, Owen, Monroe, Knox, Gibson, and Fountain, shall annually allow their respective auditors any sum not exceeding two hundred and fifty dollars, except in the county of Owen, where said auditor shall receive two hundred dollars annually, and no more, which shall be in full for their services as such auditors, who shall perform all the duties of said office as now required by law: *Provided*, that nothing in this act shall be so construed as to interfere with the perquisites now allowed by law, so far as they are authorized to be paid by individuals.

SEC. 2. This act to take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forward a certified copy of this act to each of the clerks of said counties.

CHAPTER LXXVI.

An Act to provide for the collection of township tax, by the County Treasurers, in certain counties.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the treasurers of the several counties named in an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved, February 17, 1838, to collect and pay over to the treasurers of the several townships in said counties, such an amount of township tax as shall have been authorized by the trustees of the several townships; for the collecting and paying over as aforesaid, the county treasurers shall be entitled to and receive the same per cent. as is now allowed for collecting and paying over the county tax.

Trustees to
levy tax.

SEC. 2. The trustees of the several townships shall, at their meeting on the first Monday in June in each year, determine what per cent. if any tax shall be collected for township purposes, and it is made the duty of township clerks, to inform the auditor of their several counties by a copy of their proceedings; after receiving which, it shall be the duty of the auditor to add such per cent. tax levied for townships purposes to the property taxable in said townships.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXVII.

An Act remitting the penalties for the non-payment of taxes in certain cases.

[APPROVED, FEBRUARY 13, 1843.]

Delinquent
taxes prior to
1839.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all delinquencies which occurred prior to the first day of December, 1839, for the non-payment of taxes, the said delinquents that are so charged with taxes, assessed prior to said date, may discharge the same by paying the amount of said taxes, with six per cent. interest thereon, from the time said taxes became due; and all penalty assessed thereon are hereby remitted, except the interest aforesaid.

SEC. 2. This act to be in force from and after its passage, and shall be published in the Indiana Journal, and State Sentinel.

CHAPTER LXXVIII.

An Act relating to taxation for State purposes, and the redemption of Treasury Notes.

[APPROVED, FEBRUARY 11, 1843.]

Tax set apart for redemp-
tion of Treas-
ury Notes,
&c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That of the annual tax levied by the act entitled an act levying a tax for state purposes, and

for the gradual redemption of treasury notes, approved, January 31, 1842, there is hereby set apart five cents for the current expenses of the government and fifteen cents for the redemption of treasury notes for the year 1843.

SEC. 2. All acts and parts of acts coming within the purview of this act be, and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its publication in the Indiana Journal, and State Sentinel.

CHAPTER LXXIX.

An Act to amend an act entitled an act regulating the duties of Clerks of the Circuit Courts and County Auditors, approved, January 31, 1842.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Repeal State of Indiana,* That the fourth section of the act to which this is an amendment be, and the same is hereby repealed, so far as the county of Dearborn is concerned.

SEC. 2. That the ninth section of the same act be so Amendment amended, as to release the justices of the peace in the said county of Dearborn, from all liability for the non-performance of the duties required of them in the said fourth section of the act to which this is an amendment.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXX.

An Act to provide means to support a Deaf and Dumb Asylum, in the State of Indiana.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Tax for sup- State of Indiana,* That, in addition to the sum of five port of Deaf cents levied on each one hundred dollars of property and Dumb Asylum taxable in this state for the ordinary expenses of the

state government, there shall be levied two mills additional on each one hundred dollars worth of property in this state, for the purpose of supporting a deaf and dumb asylum, and the necessary expenses attendant thereon, in this state.

SEC. 2. Said sum of two mills shall be collected in the same funds, and paid into the treasury, in the same manner as the state revenue, and shall be paid out by the Treasurer of State, for the education, [and] maintenance of deaf and dumb persons of Indiana, pursuant to existing provisions of law.

SEC. 3. This act to be in force from and after its passage, and publication in the Journal and Sentinel.

CHAPTER LXXXI.

An Act further to amend an act entitled "an act pointing out the mode of levying taxes," approved February 12th, 1841.

[APPROVED, FEBRUARY 2, 1843.]

Lien on personal property. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the 23d section of the above recited act providing that the lien of the State on personal property for taxes, shall attach on the first of March, annually, be so amended as that every person, body politic or corporate, shall be bound to list and stand chargeable with tax on all personal property subject to taxation by law, owned or possessed on the first day of January, annually.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER LXXXII.

An Act relative to the collection of delinquent taxes.

[APPROVED, JANUARY 4, 1843.]

Treasurers to collect delinquent taxes. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be, and is hereby made

the duty of each county treasurer in this State, whenever it can be done, to collect any tax in his proper county that may have been returned as delinquent in any former year, together with the interest and penalty due thereon, in the same way that other taxes due and unpaid are collected; and for any tax so collected, the treasurer shall duly account to the proper authority.

SEC. 2. Whenever any county treasurer or collector Certain tax for any previous year, may have charged himself with, may be collected by and accounted for, any tax that may not have been paid ^{treasurer, &c.,} to him, such tax shall be deemed and taken as due when out of him personally, whether in or out of office, and may be ^{office.} by him collected in the same way as other taxes, due and unpaid, are collected.

SEC. 3. This act shall be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER LXXXIII.

An Act to authorize the commissioners of Elkhart, Kosciusko, and Whitley counties to equalize the appraisement of real estate in said counties.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the County board, State of Indiana,* That the board of county commissioners and county auditor shall, at any regular session of the board, have jurisdiction over the appraisement of all real estate in said counties, with power to correct all erroneous assessments, and equalize the same according to law and justice: *Provided,* that the said boards shall not have power to reduce the valuation of any property therein situate.

SEC. 2. That the county auditors shall, on or before the first day of July in each year, certify to the Auditor of State, any alterations that shall be made by said boards in the appraisement of real estate in said counties.

SEC. 3. This act shall take effect and be in force from and after its passage, and shall be published in the Goshen Democrat and Northern Indianian.

CHAPTER LXXXIV.

An Act to amend an act entitled "an act prescribing the duties of county auditor," approved February 12th, A. D. 1841.

[APPROVED, FEBRUARY 11, 1843.]

Act amended as to Lawrence county. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the twenty-ninth section of the above recited act be so amended that the board doing county business in the county of Lawrence, by entering of record in their order book, an order to that effect, may cause the list of delinquent taxes to be published in either of the modes prescribed by the provisions of the aforesaid section.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER LXXXV.

An Act to amend an act entitled "an act for the election of county assessor," approved February 10th, 1841.

[APPROVED, FEBRUARY 13, 1843.]

Deputy assessor may make valuation. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the seventh section of said act be, and the same is hereby so amended as to make it lawful for each deputy assessor to make valuation of lands and town lots, in like manner as his principal may.

SEC. 2. This act shall be in force from and after its passage, and publication in the Indiana Journal and State Sentinel.

CHAPTER LXXXVI.

An Act to extend the time for the treasurer of Clinton county to distrain property for the non-payment of taxes.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time for the treasurer of Clinton county to distrain property for the non-payment of taxes, be, and the same is hereby prolonged until the first Monday in May.

SEC. 2. That all laws coming within the purview of this act, be, and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

CHAPTER LXXXVII.

An Act to repeal so much of the fifty-second section of an act entitled "an act prescribing the duties of county auditor," approved February 12th, 1841, as allows certain fees to be paid out of the county treasury, so far as the same relates to the county of Switzerland, and for other purposes.

[APPROVED, FEBRUARY 10, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the fifty-second section of an act entitled "an act prescribing the duties of county auditors," approved February 12th, 1841, as allows fees to the county auditor to be paid out of the county treasury, and a fee of twelve and one half cents for entry and transfer of land for taxation, so far as the same relates to the county of Switzerland, be, and the same is hereby repealed.

SEC. 2. That the board doing county business in the said county of Switzerland be, and they are hereby authorized and required to make an annual allowance to said county auditor of not less than one hundred and fifty dollars, nor more than two hundred dollars, which shall be in full compensation for all the fees provided to be paid out of the county treasury by the provisions of the fifty-second section of the aforesaid act.

SEC. 3. That so much of the provisions of the afore-

said act as comes within the purview of this act, be and the same is hereby repealed.

SEC. 4. That the Secretary of State shall make out and forward to the clerk of the circuit court and county auditor of Switzerland county, certified copies of this act.

SEC. 5. This act to be in force from and after its passage.

CHAPTER LXXXVIII.

An Act to repeal the sixteenth section of an act entitled "an act prescribing the duties of county treasurers," approved February 12th, 1841.

[APPROVED, FEBRUARY 11, 1843.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sixteenth section of an act entitled "an act prescribing the duties of county treasurers," approved February 12th, 1841, be, and the same is hereby repealed.

SEC. 2. This act to be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER LXXXIX.

An Act to postpone the sale of delinquent lands and lots.

[APPROVED, DECEMBER 21, 1842.]

Sale of lands for non-payment of taxes. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all sales of lands and town-lots for non-payment of taxes for the year 1841, be, and are hereby postponed until the first Monday in January, 1844.

Notice of sale. SEC. 2. That in all cases where delinquent lands and town lots are now advertised for sale for non-payment of taxes, the respective county treasurers, on exposing the same to sale on the first Monday in January, 1844, shall give four weeks' notice of the time and place of sale of all delinquent lands and town lots for the year 1841, with-

out particularly specifying the several tracts of lands and town lots to be offered for sale.

SEC. 3. In all cases of delinquencies in the payment of taxes on lands and town lots for the year 1841, if settlement of the same be made by payment to the treasurer of the proper county, or to the Treasurer of State, who is hereby authorized to receive the same, on or before the first day of July next, the Treasurer of the proper county is hereby authorized and required to remit the penalty of twenty-five per centum incurred because of the delinquency; and if any person or persons shall have paid the tax or taxes, with the penalty of twenty-five per cent. wherewith he, she, or they are charged, at any time before the taking effect of this act, it shall be the duty of the collector or collectors receiving the same, to allow the amount of the twenty-five per cent. penalty to the person or persons having paid the same respectively, by carrying it to the credit of such person or persons for payment of future taxes.

SEC. 4. This act shall be in force from and after its publication in the "Indiana Journal" and "State Sentinel;" and it shall be the duty of the Secretary of State to forward by mail, as soon as practicable, a copy of one of said papers containing this act to each county auditor in this State, and a copy of the other paper containing the same to each county treasurer.

CHAPTER XC.

An Act to amend an act entitled "An act repealing the 18th, 21st, and 23d sections of the act prescribing the duties of county treasurers, approved February 12th, 1841," approved December 24th, 1841.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time fixed by the first section of the act to which this is an amendment, for county auditors to make settlement with the Auditors of their counties, or clerks of the board doing county business, be, and the same is hereby extended to the first Monday in May, 1843.

SEC. 2. The time in the second section of said act with respect to county treasurers to make their settlements with the Treasurer of State, so far as the revenue of 1842 is

concerned, be, and the same is hereby extended to the third Monday in May, 1843.

SEC. 3. This act to be in force from and after its passage; and it is made the duty of the Secretary of State to have the same published in the Indiana Journal and State Sentinel, and to furnish each county auditor, clerk of the board doing county business, and treasurer, immediately with a copy of one of said papers.

CHAPTER XCII.

An Act to amend an act entitled "an act relative to crime and punishment," approved, February 10, 1831.

[APPROVED, JANUARY 2, 1843.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the act entitled "an act relative to crime and punishment," approved, February 10, 1831, as requires a license or permit to vend coffee, tea, or sugar, be, and the same is hereby repealed.

SEC. 2. This act to take effect, and be in force, from and after its publication in the Indiana Journal, and State Sentinel.

CHAPTER XCIII.

An Act to establish an additional place of holding elections in Greenville township, Floyd county.

[APPROVED, DECEMBER 29, 1842.]

County board to establish place of election. **SEC. 1.** *Be it enacted by the General Assembly of the State of Indiana,* That the board doing county business in the county of Floyd, are hereby invested with power to establish one additional place of holding elections in Greenville township, in said county, should they deem the same expedient for the convenience of the inhabitants of said township.

Inspectors. **SEC. 2.** After said board shall have established such additional place of holding elections in said township, the qualified voters in said township shall annually elect two

inspectors of elections for said township, (one for such additional place of holding elections) at the times and in the manner prescribed by the several election laws of the State, and polls shall be opened at such additional place, and be held in the same manner that general and township elections are held and conducted at other places of elections, authorized by law.

SEC. 3. This act to be in force from and after a copy shall have been filed with the auditor of said county, and the Secretary of State is hereby directed to furnish such copy.

CHAPTER XCIII.

An Act to reduce the expense of Putnam county, and for other purposes.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all laws now in force which provide for the county board of each county selecting petit jurors, so far as it relates to the county of Putnam, be, and they are hereby repealed.

SEC. 2. It shall be the duty of the sheriff or coroner ^{Duty of sheriff.} of said county, when a jury shall be required, at any time during the term of the circuit court, or probate courts of said county, to summon a jury of twelve good and lawful jurors to try such case, who shall be subject to the same obligations, and in all things governed in the same manner as petit jurors are now subject to and governed, any law to the contrary notwithstanding.

SEC. 3. That grand jurors and petit jurors in the compensation county of Putnam, shall hereafter receive seventy-five cents per day for their services, and no more.

SEC. 4. This act to take effect and be in force from and after its passage, and shall be published in the Indiana Journal and State Sentinel.

CHAPTER XCIV.

An Act to amend an act entitled, "an act to reverse and amend 'an act incorporating congressional townships and providing for public schools therein,' approved February 17th, 1838," approved February 15th, 1841.

[APPROVED, FEBRUARY 9, 1843.]

School comm.
missioner au-
thorized to sue
predecessor,
&c. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That where any school commissioner shall have gone, or may hereafter go out of office, by the expiration of the term of his office, or by death, removal, resignation, or in any other way whatever, it shall and may be lawful for his successor or successors, upon whom the duties of said office of school commissioner may have devolved, or shall hereafter devolve, in any legal manner whatever, to cause to be brought any and all necessary suits, both in law and equity, on the official bond or bonds of his said predecessor or predecessors so gone out of office, or who may hereafter go out as aforesaid, against such predecessor or predecessors his, or their surety or sureties, where any such predecessor or predecessors, have violated, or may hereafter violate, any of the conditions of his or their said bond or bonds, in any way whatever.

Suits, how to
be brought. SEC. 2. Said suit or suits shall be brought in the name of the State of Indiana, on the relation of such person or persons as may, by virtue of this act, have power to cause to be brought any such suit or suits according to the provisions of the first section of this act.

Death, &c., of
relator, shall
not abate the
suit. SEC. 3. In all cases where any suit or suits shall have been commenced in any of the courts of this State as above provided, and where the relator shall die, resign, remove, or in any other way or manner vacate his said office during the pendency of such suit or suits, said suit or suits shall not, for that cause, abate, but shall be carried on to final judgment and execution in the name of the State of Indiana.

Action on the
case, when to
be brought. SEC. 4. In all cases where any person shall have been or hereafter may be elected or appointed to the office of school commissioner, and who shall take upon himself the duties of school commissioner, and act as such, without giving the necessary bond and surety required by the laws in force at the time of said election or appointment, it shall and may be lawful for any successor or successors, to cause to be brought any suit or suits, in the nature of a special action on the case, against such person or persons who may have failed to give bond as aforesaid, for any and all violations of his duties as such school

commissioner as aforesaid, and damages shall be recovered against such person or persons accordingly.

SEC. 5. The suit or suits authorized to be brought by virtue of the fourth section of this act, shall be brought and carried on to final judgment and execution in the name of the State of Indiana.

SEC. 6. This act to be in force from and after its passage and publication in the Indiana Journal and State Sentinel.

CHAPTER XCV.

An Act reducing the expenses of the county of Porter, and for selecting petit Jurors therein.

[APPROVED, FEBRUARY 7, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all laws now in force which provide for the county board of each county selecting petit jurors, so far as relates to the county of Porter, be, and they are hereby repealed.

SEC. 2. It shall be the duty of the sheriff or coroner ^{Duty of sher- iff.} of said county, when a jury shall be required at any time during the term of circuit or probate courts of said county, to summon a jury of twelve good and lawful jurors, householders, of said county, from the bystanders to try such case, who shall be subject to the same obligations, and in all things governed in the same manner as petit jurors are now subject to and governed, any law to the contrary notwithstanding: *Provided*, that in the empanelling a jury as aforesaid, each party shall have the right to six peremptory challenges.

SEC. 3. That grand jurors and petit jurors, in the Compensation county of Porter, shall hereafter receive seventy-five cents per day, and no more, for their services.

SEC. 4. This act to take effect and be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER XCVI.

An Act to amend an act entitled "an act for the apportionment of the Senators and Representatives in the General Assembly of the State of Indiana," approved, February 16, 1841.

[APPROVED, JANUARY 2, 1843.]

Brown and Monroe coun-
ties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the ninth section of the above recited act be, and the same is hereby so amended, that in the year eighteen hundred and forty-four, when the counties of Monroe and Brown would be entitled to elect two Representatives jointly, by the provisions of said act, that they shall elect one Representative each, separately, in lieu of two representatives jointly.

SEC. 2. This act to be in force from and after its passage.

CHAPTER XCVII.

An Act to extend in part the provisions of the act entitled "an act to compel speculators to pay a road tax, equal to that paid by actual settlers," approved, January 31, 1842, to the counties of Elkhart, Jay, Adams, Blackford, Hamilton, Miami and Wabash.

[APPROVED, JANUARY 21, 1843.]

Road tax in
certain coun-
ties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be assessed and collected for the purpose of constructing and repairing roads in said counties of Elkhart, Jay, Adams, Blackford, Hamilton, Miami, and Wabash, the sum of one and a fourth cents on each and every acre of land lying and being within the limits of the said counties subject to taxation, and on town lots with the improvements thereon, which are subject to taxation, the sum of fifteen cents on each and every hundred dollars valuation thereof, which shall be in lieu of all taxes on both real and personal property for road purposes; which tax shall be assessed, collected and applied agreeably to the provisions of the above recited act, and that a per centage on town lots and personal property be levied by the board, doing county business in the counties aforesaid, equivalent to the average tax on land for road purposes.

SEC. 2. That in addition to the road tax specified in section first, all male inhabitants between the age of twenty-one and fifty years, persons exempt by law, or excused by the boards doing county business, excepted, shall work two days in each and every year on public roads under the direction of the supervisors of their respective districts, and in default thereof, shall pay seventy-five cents for each day he shall neglect or refuse to work, which shall be collected and applied agreeably to the provisions of the above recited act: *Provided*, that all persons assessed with a road tax, be permitted to work out the same at the rate of seventy-five cents per day.

SEC. 3. That the county auditors and all supervisors shall be governed by the same provisions, and liable to the same penalties provided in the above recited act.

SEC. 4. All laws and parts of laws coming within the purview of this act be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

CHAPTER XCVIII.

An Act for the relief of the purchasers of the saline lands in the counties of Orange, Washington, and Brown.

[APPROVED, JANUARY 18, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, on payment by the purchasers of the saline lands or reserves in the several counties of Washington, Orange, and Brown, or by their legal representatives or assigns, of all interest that is, or may become due on the contracts or certificates of sale, together with all costs, on or before the twenty-fifth day of December, 1843, any forfeiture that may have been suffered, or that may accrue before or on that day, is hereby declared to be released and discharged to them, respectively; the terms of sale, or any law now in force to the contrary notwithstanding.

SEC. 2. The acting commissioners of said saline lands or reserves are hereby authorized and directed to receive the payment of said interest money, and costs, at any time when offered within the above extended limitation,

Commission-
ers to receive
payment, &c.

and in case of such payment being made, to desist from the sale of such lands as forfeited.

Payment of principal extended.

SEC. 3. The time for payment of the principal or purchase money due for said lands, is hereby extended to the purchasers, their legal representatives, and assigns, as follows: one third part thereof to the twenty-fifth day of December, eighteen hundred and forty-six; one other third part thereof to the twenty-fifth day of December, eighteen hundred and forty-eight; and the remainder or balance thereof to the twenty-fifth day of December, eighteen hundred and fifty: *Provided*, that the interest of the said principal or purchase money shall be paid as the same shall become due, according to the terms of the original contracts of sale, after the twenty-fifth day of December, eighteen hundred and forty-three.

New certificate to issue in lieu of a lost one.

SEC. 4. Whenever it shall be made satisfactorily to appear to the commissioners, respectively, that a certificate of sale has been lost or destroyed, it shall be his duty, on the application of the person or persons *bona fide* entitled thereto, to issue to such person or persons, a new certificate for the land to which he, she, or they, is, or are entitled.

SEC. 5. This act to take effect and be in force from and after its publication in the State Sentinel and Indiana Journal.

CHAPTER XCIX.

An Act providing for the summoning and empanelling jurors in the counties of Delaware, Grant, Scott, Franklin, Floyd, and Union.

[APPROVED, JANUARY 23, 1843.]

Jurors, how selected.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the boards doing county business in the counties of Delaware, Grant, Scott, Franklin, Floyd, and Union, to cause to be selected from the list of reputable freeholders or householders resident in said counties, the names of fifteen grand jurors, and twelve petit jurors, for each and every term of the circuit courts to be holden in said counties.

Board governed by former act.

SEC. 2. The boards doing county business in said counties, shall be governed in all respects as heretofore,

by the act to which this is an amendment, so far as provided for in the first section of this act.

SEC. 3. All acts and parts of acts coming within the Repeal purview of this act be, and the same are hereby repealed.

SEC. 4. This act to take effect from and after its passage, and a duly certified copy thereof is filed in the auditor's office of said counties.

CHAPTER C.

An Act to appoint an inspector of salt in certain counties therein named.

[APPROVED, JANUARY 21, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Vigo county, State of Indiana*, That it shall be the duty of the board doing county business in the county of Vigo, at their first session after the passage of this act, or as soon thereafter as may be, to appoint a salt inspector, who shall hold his office during the pleasure of the said board, whose duty it shall be to inspect all salt in barrels that may be offered for sale in said county, and shall brand the same on one end of the barrel, first, second, third, or condemnal rates, agreeably to the quality of salt such barrels may contain; for which inspection the owner or owners of such salt shall pay to the inspector five cents for each and every barrel by him so inspected.

SEC. 2. *And be it further enacted*, That it shall be the duty of each and every person or persons vending salt, and selling salt by the barrel, in the county of Vigo, to weigh the same to the purchaser, so that it shall not be sold at a less rate than fifty pounds of salt for each and every bushel.

SEC. 3. That if any person or persons, within the county of Vigo, shall offer for sale and vend salt by the barrel without complying with the foregoing provisions of this act, he, she, or they so offending, upon conviction thereof, before any court having competent jurisdiction shall forfeit and pay the sum of three dollars for each and every barrel so unlawfully sold, for the use of the county seminary where said offence was committed.

SEC. 4. That the said penalty shall be collected in an action of debt, to be brought before any justice of the peace in the proper county where the offence may be committed, in the name of the State of Indiana, on the

relation of the trustee or trustees of the seminary fund; and it is hereby made the duty of the trustee or trustees upon complaint being made, to sue for, and collect the same, as above provided, and to account for the money when so collected, in the same manner as for other seminary funds.

Sullivan and Clay counties. SEC. 5. *Be it further enacted,* That the provisions of this act, so far as relates to the weighing of salt, are hereby extended to the counties of Sullivan and Clay, subject to the same penalties as are provided in the third section of this act.

SEC. 6. This act to take effect and be in force from and after its passage, and publication in the Wabash Express and Wabash Courier: *Provided*, that nothing in this [act] shall be construed to force the county boards of said counties of Sullivan and Clay to adopt the provisions of this act, but may do so, if, in their discretion, it shall be considered expedient.

CHAPTER CI.

An Act to amend an act approved January 31st, 1842, entitled "an act to amend an act entitled "an act to organize the militia of Indiana" approved, February 10th 1831.

[APPROVED, JANUARY 23, 1843.]

Additional officers.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any company of independent militia, organized under the provisions of the act to which this is an amendment, may, at any time when a majority thereof shall thereto agree, proceed to elect a second, or, at their option, a second and third lieutenant, in the manner prescribed in said act for the election of officers, in addition to the number of officers provided for, in the act of 1831, in the title of this act referred to.

Company re. turns, when made.

SEC. 2. Commandants of companies shall not be required to make returns, as in the nineteenth section of the act to which this is an amendment, excepting in cases where battalions or regiments to which such companies belong, are organized.

Notice of vac- cancy to be given to Gov- ernor.

SEC. 3. Whenever a vacancy of a commissioned company officer occurs, the officer highest in command in such company, shall forthwith notify the Governor thereof, who shall thereupon issue an order to the officer

who shall have so notified him, directing such officer to notify his company to proceed to an election to fill such vacancy, in the manner provided in the second section of the act to which this is an amendment, for the election of officers.

SEC. 4. Each company of independent militia, organized under the provisions of the act to which this is an amendment, may, by their by-laws, determine and define all delinquencies and breaches of duty of its members, and fix and determine all fines and forfeitures for such delinquency and breaches of duty, and provide for the assessment and collection of such fines, in all cases whatsoever, and in such manner as they may see fit; and such by-laws shall have the force and effect of law, to all intents and purposes, any law of this State now in force to the contrary notwithstanding.

SEC. 5. All necessary suits may be instituted by said company against its own members, or other person or persons, bodies corporate or politic, and may be brought in its corporate name, for the collection of fines and forfeitures, and for the enforcement of any other of its legal rights, before any court having competent jurisdiction of the subject matter.

SEC. 6. All fines and forfeitures, and other moneys belonging to such company, shall be disposed of in such manner as a majority of such company shall determine, for the use and benefit thereof.

SEC. 7. The non-commissioned officers of such company, excepting clerk and treasurer, shall be nominated by the company and appointed by the commandant ed. Non-commis- sioned officers how appoint- ed.

SEC. 8. This act to take effect and be in force from and after its passage.

CHAPTER CII.

An Act in relation to the docketing of causes in the Lake Circuit Court.

[APPROVED, DECEMBER 23, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter it shall be lawful for the Clerk of the Lake circuit court, to docket any and all causes brought in said court for the first, or any subsequent

quent day of the terms of said court, as he shall deem proper, provided that all state causes shall be docketed for the first day.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CIII.

An Act fixing the time of holding the terms of the Board of Commissioners in the county of Porter.

[APPROVED, DECEMBER 23, 1842.]

Time changed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the time for meeting of the board of commissioners in the county of Porter, be, and the same is hereby changed, so that hereafter the said county board shall meet on the Monday preceding the circuit courts in said county at their March and September sessions, and at all other sessions as now provided by law.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CIV.

An Act to extend an act entitled "an act for a more uniform mode of doing township business in the several counties therein named, approved, February 17, A. D., 1838, to Kosciusko county.

[APPROVED, FEBRUARY 9, 1843.]

Kosciusko county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That an act entitled an act providing for a more uniform mode of doing township business in the several counties therein named, approved, February 17, 1838, be, and the same is hereby extended to the county of Kosciusko.

SEC. 2. This act to be in force from and after its passage and publication in the State Sentinel.

CHAPTER CV.

An Act to prevent fraudulent conveyances.

[APPROVED, DECEMBER 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all deeds, mortgages, conveyances or transfers of real estate, or any interest therein, made, done, executed, or suffered by any person or persons, body corporate or politic, after the commencement of any suit or suits by the state of Indiana, against such person or persons, body corporate or politic, for or by reason of any debt, duty, or liability, legal or equitable, in favor of said state, shall be and are hereby declared to be void and of no effect as against any judgment or decree that might be rendered or given in any such suit or suits.

SEC. 2. This act to take effect and be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER CVI.

An Act to assist and make Common Schools more effective.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the money collected on every forfeiture on a recognizance, shall be regarded and held as belonging to, and a part of, the common school fund of the county within which such recognizance is, or shall be taken and forfeited.

SEC. 2. That such money shall be paid over to, and managed by the same authority as is now, or may be, entrusted with the receiving and managing the common school fund of the proper county, and such money shall be managed in the same manner as other common school funds are, or may be managed by law.

SEC. 3. This act shall be in force from and after its passage, and shall be published in the Indiana State Sentinel and Indiana Journal.

CHAPTER CVII.

An Act to restrict the county commissioners in the counties of Allen, Laporte, Wells, Huntington, Adams, and Jay.

[APPROVED, FEBRUARY 13, 1843.]

Tax for county purposes limited.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter it shall not be lawful for the board of county commissioners of the counties of Allen, Laporte, Wells, Huntington, Adams, and Jay to assess or levy, or cause to be assessed or levied, in their respective counties, for county purposes, more than thirty-five cents on the one hundred dollars valuation of the taxable property of said counties, in any one year, unless a majority of the lawful voters of such county shall, at an annual general election previously held in said county, otherwise direct.

Vote to be taken when increased tax is necessary.

SEC. 2. Whenever the board of commissioners of either of the above named counties shall deem a greater amount of tax necessary, they shall make an order upon their records, stating the amount they deem necessary, and the cause or reason for such increase, and shall cause the sheriff of said county to make and publish a proclamation thereof, stating said order and the cause for such increased levy, and requiring the voters to vote at the next election thereon; and thereupon, at said election, those voting for such increase of levy shall write or print on some part of their ballots, the words "for the levy," and those voting against said levy shall write or print on their ballots "no levy"; and as a majority of said voters shall decide, the said commissioners shall be authorized to act thereon, and not otherwise.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CVIII.

An Act defining the duties of sheriffs in the counties of Owen and Hancock.

[APPROVED, FEBRUARY 11, 1843.]

Number of bailiffs limited

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That no sheriffs, hereafter, shall have

the right to employ, at the expense of the county, more than two bailiffs at any term of the circuit court, so far as the counties of Owen and Hancock are concerned.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CIX.

An Act for the relief of the people of Noble, Lagrange, Steuben, and DeKalb counties.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That in the counties of Noble, La-grange, Steuben, and DeKalb, any improvement made for agricultural purposes, to the value of five hundred dollars, be, and the same is hereby made exempt from taxation on each and every farm for county, township, and school purposes.

SEC. 2. The commissioners of the several counties above named, are directed not to levy a poll-tax on any citizen of said counties for county purposes. Nothing in this act shall be so construed as to affect the levy and collection of the state tax in any case whatever.

SEC. 3. This act to take effect and be in force from and after its passage and publication.

CHAPTER CX.

An Act to appropriate a certain sum for the procurement of books for the use of the prisoners in the state prison.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the chaplain of the state prison be, and he is hereby authorized to draw on, and receive from, the agent of the state prison the sum of twenty-five dollars, to be by him appropriated to the purchase of books suited to the condition of the convicts.

State to be charged with sum shall be a sufficient voucher for the agent to charge the State with that sum.

SEC. 3. This act to be in force from and after its passage.

CHAPTER CXI.

An Act to authorize the printing of two thousand copies of the Revised Code in the German language.

[APPROVED, FEBRUARY 13, 1843.]

County auditor's to open subscriptions.

Report to Secretary of State.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of each county auditor in this State, to open subscriptions in their respective counties, for the revised laws of this State, to be printed in the German language, and furnished to subscribers at cost.

SEC. 2. That the subscription shall be kept open until the close of the first Monday in August next, whereupon each of said auditors shall report to the Secretary of State, the number of subscriptions by him taken; and in case one thousand copies shall be subscribed for, as aforesaid, it shall then be the duty of the Secretary of State to procure to be printed two thousand copies of said revised statutes, to fill said subscriptions, and to supply any other demands that may be made for said statutes.

SEC. 3. This act shall be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER CXII.

An Act providing additional means for the improvement of public roads and highways in the county of Carroll.

[APPROVED, FEBRUARY 13, 1843.]

Militia duty discharged by working on roads.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That every person residing in the county of Carroll, who may be required by existing laws

to perform military duty, may discharge himself therefrom, by laboring on the public roads and highways, in said county, under the direction of the proper supervisor, for the same number of days for which he may be required to perform military duty as aforesaid, and which days shall be in addition to the time prescribed by existing laws, in relation to public roads and highways.

SEC. 2. The certificate of the proper supervisor that such person has performed labor on the public roads and highways, in said county, in addition to the number now required, or which may be hereafter required by law, shall be competent evidence that such person is exempt from the performance of military duty, for the number of additional days mentioned in said certificate.

SEC. 3. This act shall take effect and be in force from and after its passage.

CHAPTER CXIII.

An Act relating to voting in Laporte county.

[APPROVED, FEBRUARY 2, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter no person shall be allowed to vote at any election in the county of Laporte, except in the township in which such person shall actually reside.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXIV.

An Act to repeal an act therein named so far as the same relates to the counties of Switzerland and Montgomery.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of an act entitled "an act applying certain funds to purposes of edu-

tion," approved, January 31, 1842, be, and the same is hereby repealed, so far as the same relates to the counties of Switzerland and Montgomery.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXV.

An Act to repeal all acts or parts of acts declaring the White Water rivers navigable streams, except in the county of Dearborn.

[APPROVED, JANUARY 28, 1843.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all acts or parts of acts declaring White Water river, together with the east and west forks of the same navigable streams, be, and the same are hereby repealed, except so far as said river may pass through the county of Dearborn.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXVI.

An Act to provide for opening and repairing roads and highways in Posey county.

[APPROVED, JANUARY 28, 1843.]

No road tax. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, hereafter, no tax for road purposes shall be assessed upon any property, real or personal, in the county of Posey; but in every other respect, (except otherwise in this act provided) all supervisors and persons subject to work on roads and highways, shall be governed by the laws now in force.

Hands to be called out as often as necessary. SEC. 2. The supervisors of roads in said county shall call out the hands in their districts, and cause them to work on the roads in their districts, as many days as may be necessary to put and keep the roads in repair.

Land holders to furnish team. SEC. 3. Every person in said county, being the hold-

er of land by deed, bond, or certificate, and being the owner of a team of horses or oxen, shall cause the same, with the usual harness and tackle, plough, wagon, or cart, if he have one, to work on the roads and highways in his district, under the direction of the proper supervisor, one day in each year, if required by such supervisor; three days' notice being given by the supervisor to the owner of such team, of the time when, and the place where, the services of the team are required.

SEC. 4. If any person, being the owner of a team as aforesaid, shall refuse to work with the same in manner and form as prescribed by this act, he shall forfeit and pay for each day he shall so refuse, the sum of one dollar and fifty cents, to be collected by the supervisor of the proper district, in an action of debt, to be brought in the name of the State of Indiana, and property levied upon by virtue of any execution issued upon a judgment for such forfeiture, shall sell for the best price the same will bring, and such forfeiture, when collected, shall be applied to the repair of roads in the district where the same accrued.

SEC. 5. This act shall be in force from and after the first day of April next.

Forfeiture for failure to furnish team.

CHAPTER CXVII.

An Act relative to the three per cent. fund and for other purposes.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the three per cent. fund to be refunded, and of money derived from tax on bank stock, as have been expended for general purposes, be, and the same are hereby authorized and directed to be refunded to the proper counties, with six per cent. interest thereon, out of any money not otherwise appropriated in the State Treasury, or to come therein, after the expenditures of the year 1843.

SEC. 2. This act to be in force from and after its passage.

Three per cent. fund to be refunded.

CHAPTER CXVIII.

An Act to amend all the acts heretofore passed on the subject of electing an additional justice of the peace and constable in and for Morgan township, in the county of Harrison.

[APPROVED, JANUARY 31, 1843.]

Jurisdiction.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the justice of the peace and constable elected in said township, in pursuance of the laws to which this act is an amendment, shall have the same jurisdiction in said township and county as is allowed by law to other justices of the peace and constables.

Number of Justices, &c.

SEC. 2. That, hereafter, said township shall be entitled to elect three justices of the peace therein, and three constables, as the said offices of justice of the peace, and constable, as they now exist in said township, shall become vacated.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXIX.

An Act regulating the granting of licenses in the counties of Rush, Shelby, Spencer, Harrison, Warrick, Greene, Delaware,* Union, Dubois, Floyd,* Switzerland, Marshall, Cass, and Gibson.

[APPROVED, FEBRUARY 2, 1843.]

Board to grant license, when.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the board of commissioners of the counties above named, are hereby authorized and required to grant licenses to keep taverns and groceries within said counties, to any person or persons applying therefor, who shall present a petition to that effect, signed by a majority of the legal voters of the township in which such tavern or grocery is to be kept, any order of said board heretofore passed to the contrary notwithstanding: *Provided*, that the person or persons applying

*NOTE—The counties of Delaware and Floyd were improperly inserted by the enrolling clerk, as appears from the Journals and the engrossed bill.

Secretary of State.

for such license, shall comply in all other respects with the provisions of the laws now in force.

SEC. 2. The county commissioners in the following Board to determine the amount of tavern and grocery license, viz: Noble, Lagrange, Steuben, DeKalb, Whitley, Kosciusko, Fountain, Elkhart, Marshall, Rush, Shelby, Harrison, Hancock, Gibson, Dubois, and Delaware: *Provided*, the said county boards shall not increase the amount of such licenses above the prices now established by law.

SEC. 3. All laws and parts of laws coming in conflict with the provisions of this [act,] be, and the same are hereby repealed.

This act to be in force from and after its passage.

CHAPTER CXX.

An Act providing for the opening and repairing roads, and highways, and streams in the counties of Bartholomew, Putnam, Owen, Henry, and Perry.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That in the counties of Bartholomew, Perry, Owen, [Henry,] and Putnam, each and every able bodied male person of the age of twenty-one years and under fifty, excepting such persons as shall, for good cause shown, be excused by the boards doing county business in said counties, and such other persons as are exempt by the laws of this State, shall be subject to work on the roads and highways in the road district in which he resides, whenever the supervisor of the district shall consider it necessary.

SEC. 2. And if any person, made subject to work under this act, having had three days' notice of the time and place allotted for working any road or highway in his district, and shall neglect or refuse to attend in person, or by substitute satisfactory to the supervisor, at the time and place appointed within said district, with such tool or instrument as the supervisor may direct, or, having attended, shall neglect or refuse to perform his duty according to the direction of the supervisor, or spend his time in idleness and neglect the business assigned him, shall forfeit and pay the sum of fifty cents for

each day's default, to be recovered by action of debt in the name of the supervisor, before any justice of the peace in the township in which such delinquent resides, which sum the said supervisor shall appropriate and expend in repairing the roads in his district.

Allowance for team. SEC. 3. Every person who shall, at the request of the supervisor of his road district, furnish a plough or wagon with a pair of horses or oxen and driver, and with them perform one or more days' work shall, for each day's work performed, receive a credit for three days' work, and so in proportion for services of a similar kind, with greater or less force.

Owners of farm to remove obstructions. *And be it further enacted,* That when a public road or highway shall run through, or border on any plantation and shall become obstructed by the falling of trees or otherwise, it shall be the duty of the owner of such plantation to remove such obstruction so soon as the same shall come to his knowledge; and for which the supervisor of such road shall give him a reasonable compensation by a credit on his liability to work on such road.

Board to appoint supervisors. SEC. 4. The board doing county business in said counties shall, at their next March term of said board, and annually thereafter, appoint a suitable number of supervisors, and assign to each his district of road, together with the number of hands allotted him; and to each supervisor so appointed, the clerk of said board shall issue a certificate of his appointment, setting forth the boundaries of his district, and the number of hands allotted [him], and place the same in the hands of the sheriff of said county within ten days after such appointment: It is also made the duty of such sheriff to forward or cause to be forwarded, such certificate of appointment to the several supervisors respectively, within twenty days after they shall come to his hands; and that it shall be lawful for the sheriffs of said counties, or their sworn deputies, to administer the necessary oaths to supervisors, as required by law, and that the same be endorsed on their certificates of appointment.

Duty. SEC. 5. It shall be the duty of the several supervisors, appointed under this act, to serve as such for one year, or until the succeeding March term of the board doing county business, at which term they are required severally to report, or cause to be reported to the said board, a full and complete list of all the hands at the time living in their respective districts, who are liable to work roads, and in all cases when a supervisor shall fail to make a report, as required by this section, at the proper term of the board, said board shall, in the absence of other in-

structions, continue such delinquent supervisor, by appointment, another year.

SEC. 6. In all cases where the supervisor shall wilfully fail or neglect to keep his said roads in good repair, or to faithfully appropriate moneys collected or received for the use of his road, or in any manner to comply with the duties required of him by this act, he shall forfeit and pay a sum not exceeding twenty dollars, to be recovered by presentment or indictment in the circuit court of said county.

SEC. 7. In all cases hereafter when any person or persons shall be recommended by the persons subject to work on roads and highways of any district in said country, for the appointment of supervisor for the year next succeeding, it shall be the duty of the board to appoint the person as such supervisor, who may be recommended by the greater number of hands in the proper district.

SEC. 8. In cases where the supervisor has not an opportunity of giving a personal notice of the time and place appointed for work, a written notice of such appointment, left at the residence of the party, shall be deemed sufficient.

SEC. 9. If the clerk or sheriff of said county shall fail or refuse to comply with the provisions of the fourth section of this act, he shall be fined in any sum not exceeding ten dollars for each neglect or refusal, by presentment or indictment in the circuit court of said county.

SEC. 10. So much of the laws now in force relative to opening and repairing public roads and highways as contravenes the provisions of this act, be, and the same is hereby repealed, so far as relates to the counties above named.

SEC. 11. That it shall be, and is hereby made the duty of the several supervisors of roads through whose districts Buck creek, in the county of Henry, shall pass, from and below the National Road to the mouth of said stream, to cause all persons liable to work on roads and highways, residing within one half mile of the same, to perform the same amount of labor, if so much be necessary, in cleaning it of the drifts and other rubbish which may be lodged therein, under the same regulations that they are required to work on roads and highways; and every person performing labor as above required, shall be entitled to receive a credit for a similar amount of labor on roads.

This act to be in force from and after its passage.

CHAPTER CXXI.

An Act to encourage agricultural improvements in Allen, Wells, Huntington, Blackford, Adams, Jay, Kosciusko, Whitley, St. Joseph, Delaware, and Elkhart counties.

[APPROVED, FEBRUARY 11, 1843.]

Certain improvements exempt from county tax.
 SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That all buildings and improvements on land for farming purposes, shall hereafter be exempt from tax for county purposes in the counties above named, until the same shall exceed five hundred dollars in value: *Provided*, that the same individual shall not be entitled to claim an exemption for more than five hundred dollars in value in the same section of land, notwithstanding they may own separate improvements on the same.

SEC. 2. This act to be in force from and after its publication in the "Fort Wayne Times."

CHAPTER CXXII.

An Act to confine the voters of Tippecanoe, Cass, Porter, Lake, and Franklin counties to their respective townships, and for other purposes.

[APPROVED, FEBRUARY 13, 1843.]

Voters confined to their townships.
 SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, hereafter no person shall be allowed to vote at any election in the counties of Tippecanoe, Cass, Porter, Lake, and Franklin, except the township in which such person shall actually reside.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXIII.

An Act to establish an additional place of holding elections in Reserve township, in the county of Parke.

[APPROVED, JANUARY 31, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the qualified electors of Reserve township, in Parke county, be; and they are hereby authorized to elect an additional inspector of elections for said township, who shall open polls for voting at Annapolis, and shall be governed in all respects by the laws regulating general and township elections in this State.

SEC. 2. In order to determine who are elected supervisors, fence viewers, and overseers of the poor, the judges and inspector of elections at Annapolis, shall make a certificate, under their hands and seals, of the whole number of votes given for overseers of the poor, supervisors, and fence viewers, and one of the judges shall, on the day succeeding the election, meet one of the judges at Montezuma, compare the votes, and give certificates of election to the persons having the greatest number of votes for the offices aforesaid: the returns in all other respects shall be as prescribed by law.

SEC. 3. It shall be the duty of the county auditor to appoint an inspector of elections at the town of Annapolis, who shall serve as such until his successor be elected and qualified.

SEC. 4. This act to be in force from and after its passage, and the Secretary of State is hereby directed to transmit a certified copy hereof to the auditor of said county.

CHAPTER CXXIV.

An Act for the relief of certain persons therein named.

[APPROVED FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That each and every justice of the peace who has been indicted by any grand jury for not complying with the provisions of second section of an

act entitled "an act applying certain funds to the purposes of education," approved, January 31, 1842, which indictments remain to be tried, be, and each one of them are hereby released from said indictments: *Provided, however,* the provisions of this act shall only extend to such justices of the peace who had no fees on hand, or had assessed no fines within the time contemplated by said act: *And provided further,* that such justice of the peace shall file in the court where such indictment is pending, an affidavit stating that he had no fees on hand, or had assessed no fines within the time contemplated by said act, or that he was not informed of the provisions of said act.

SEC. 2. This act to be in force from and after its publication in the Indiana Journal and State Sentinel.

CHAPTER CXXV.

An Act in relation to granting license in the counties of Jennings, Bartholomew, and Scott.

[APPROVED, FEBRUARY 2, 1843.]

Repeal.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That the proviso of the 17th section of an act pointing out the mode of levying taxes, approved, February 12, 1841; and the proviso to the fifth section of an act to license and regulate taverns and groceries, approved, February 3d, 1832, authorizing a majority of the householders and freeholders of any town or township, to remonstrate against the granting of licenses to taverns or groceries to vend spirituous liquors, be, and the same is hereby repealed, so far as the same relates to the counties of Jennings, Bartholomew and Scott.

Orders of the county board void.

SEC. 2. That any order which may heretofore have been made by the boards doing county business of the said counties of Jennings, Bartholomew, and Scott, in relation to the non-granting of licenses by virtue of the provisos aforesaid, be, and the same are hereby declared to be null and void.

Board to grant licenses, when. **SEC. 3.** The boards doing county business in the said counties of Jennings, Bartholomew, and Scott, be, and they are hereby required to grant licenses to taverns and groceries on all applications under the provisions and restrictions of an act entitled an act to license and regu-

late taverns and groceries, approved, February 3d, 1832, except so far as the same is repealed by this act; and upon all applications for licenses as aforesaid, which shall be made in vacation, the clerk of said county boards shall grant a permit to such applicant until the next session of the board; *Provided,* he, she, or they, bring themselves within the provisions of the act requiring them for such time to pay into the county treasury at the rate of twenty-five dollars per annum for such license, until the price shall be fixed by such board.

SEC. 4. This act to be in force from and after its passage, and copies thereof shall have been filed in the auditor's office of the counties of Jennings, Bartholomew, and Scott.

CHAPTER CXXVI.

An Act regulating the compensation of Road Supervisors in the counties of Rush and Hancock.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That each supervisor of roads in the counties of Rush and Hancock, shall hereafter work out among his hands, the number of days required of other hands by law, together with his due proportion of road tax, and on the day required by the general law of this State for supervisors to make settlement with the board of county commissioners, the supervisors of said counties shall return to the board a list of the hands, in each of their districts respectively, liable to work on roads and highways, together with the extra services by him necessarily rendered, over and above his due proportion, the whole verified by affidavit attached to his report.

SEC. 2. Said boards shall enter, or cause to be entered on their records, the number of extra days' services allowed to each supervisor, not exceeding five days to each, and the clerks of said boards shall thereupon give a certificate to each of said supervisors of the number of extra days' services so rendered.

SEC. 3. Every supervisor holding such certificate shall, on presentation thereof, to his successor in office the next ensuing year, be entitled to a credit for the number of days specified in said certificate: *Provided,*

that if the number of days so specified, shall exceed the liabilities of said supervisor to work on the roads for the said year, then he shall have credit for the overplus the next succeeding year, and so on.

Supervisor's term. SEC. 4. No person shall be compelled to hold the office of supervisor in said counties more than once in three years.

SEC. 5. This act to be in force from and after its passage, and the filing of a certified copy thereof in the clerk's office, of the counties of Rush and Hancock.

CHAPTER CXXVII.

An Act to amend an act entitled "an act regulating the fees and salaries of the several officers and persons therein named," approved February 7th, 1831, so far as the same relates to the counties of Ripley and Switzerland.

[APPROVED, FEBRUARY 11, 1843.]

Justices of the peace. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That, hereafter, each and every justice of the peace within this State shall be entitled to charge and collect in his bill of costs, for every entry in his docket required by law, for which no fee is now allowed, the sum of six and one fourth cents; and for every writing or record amounting to less than one hundred words, for which there is no allowance now by law, the sum of twelve and one half cents: *Provided*, that this act shall only extend to the counties of Ripley and Switzerland.

Repeal. SEC. 2. All laws and parts of laws coming in conflict with the provisions of this act, are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXVIII.

An Act regulating elections in the county of Shelby.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Voters confining State of Indiana,* That, hereafter, the voters of Shelby ed to their townships. county shall be, and they are hereby confined in voting to their respective townships, and no person at any election shall be authorized to vote out of the township in which he resides.

SEC. 2. This act to be in force from and after its passage.

An Act relative to the mode of doing township business in the county of Tippecanoe.

CHAPTER CXXIX.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Repeal as to State of Indiana,* That the act entitled "an act providing Tippecanoe county for a more uniform mode of doing township business in the several counties therein named," approved February 17th, 1838, the provisions of which were extended to the county of Tippecanoe by an amendatory act approved February 24th, 1840, be and the same is hereby repealed so far as the same relates to the county of Tippecanoe.

SEC. 2. That an act approved February 17th, 1838, Act of 1838 entitled "an act to regulate the mode of doing county busi-revived. ness in the several counties in this State," be reinstated, and shall be in full force and effect for the transaction of all township business in the county of Tippecanoe.

SEC. 3. This act to take effect and be in force from and after its passage.

CHAPTER CXXX.

An Act to repeal a certain act therein named.

[APPROVED, FEBRUARY 6, 1843.]

Fulton county SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of an act entitled, "an act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17th, 1838, approved February 17th, 1840, be, and the same is hereby repealed so far as the same relates to the county of Fulton.

SEC. 2. This act shall take effect and be in force from and after its passage.

CHAPTER CXXXI.

An Act] to amend an act entitled "an act providing for a more uniform mode of doing township business in the several counties therein named," approved December 30th, 1840.

[APPROVED, FEBRUARY 13, 1843.]

Trustees to change roads SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the above recited act, to which this an amendment, be so amended as to authorize the trustees of the several townships in the several counties in which said act is in force, to change the location of any state, county, or township road within their respective townships.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXXII.

An Act to extend the provisions of an act therein named to the counties of Huntington and Wells.

[APPROVED, FEBRUARY 9, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the County business of Indiana,* That the provisions of an act entitled "an act to amend an act entitled 'an act to provide for a more uniform mode of doing township business in the several counties therein named,' approved February 17th, 1838," approved January 31st, 1842, be, and the same are hereby extended to the counties of Huntington and Wells.

SEC. 2. This act to be in force from and after its passage.

CHAPTER CXXXIII.

An Act declaring Sugar creek a public highway, and for other purposes.

[APPROVED, FEBRUARY 13, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Public highway of Indiana,* That so much of Sugar creek as lies way, in the counties of Montgomery and Parke be, and the same is hereby declared a public highway.

SEC. 2. It shall be the duty of the board doing county business in each of the said counties of Montgomery and Parke, at their May session, to lay off so much of said creek, as in their opinion the public good may require, into districts extending three miles from said creek on each side, and to assign to such districts certain boundaries; and on petition by a majority of the freeholders of any district, to appoint one suitable person as supervisor in said district so laid off, to be denominated supervisor of such stream, who shall serve for and during the term of one year from and after their appointment; whose duty it shall be to superintend all the labor appropriated to, and by this act directed to be laid out on said creek: *Provided, however,* that it shall be lawful for any township to elect the supervisors of said creek at the April election, on the same principles that other township

officers are elected; and any supervisor so elected, shall have the same powers, and be liable to the same penalties which supervisors appointed under the provisions of this act are liable to.

Freeholders
to work on
said creek.

SEC. 3. That the freeholders, liable to work on public roads and highways within said districts, shall, from and after the taking effect of this act, be required to perform two days' labor in each and every year, under the directions of the supervisor appointed or elected by virtue of this act in whose districts they may respectively reside upon said creek, for the purpose of clearing the drift and other obstructions out of said creek.

Duty of su-
pervisors.

SEC. 4. That it shall be the duty of every supervisor appointed by this act, to call on all persons living within the limits of their respective districts, to perform the work required by this act; and if any person shall fail or refuse to perform such labor, he having received three days previous notice thereof from the proper supervisor in writing or otherwise, shall be liable to forfeit and pay the sum of seventy-five cents for each day he may so neglect or refuse to labor, to be recovered before any justice of the peace having jurisdiction thereof, in the same manner and subject to the same regulations as are now prescribed for the collection of fines for failing or refusing to work on roads and highways; and when collected, shall be appropriated by said supervisors to improving said creek.

Forfeiture.

SEC. 5. Any supervisor failing to discharge any of the duties enjoined on him by virtue of this act, shall for every such offence forfeit and pay any sum not exceeding fifty dollars, to be recovered by presentment or indictment in any court having competent jurisdiction thereof.

Regulation as
to dam.

SEC. 6. Any person or persons, companies, corporations, or other authorities hereafter building mill or other dams across said stream, shall be required to make slopes or other improvements to said dams, so as not to obstruct the navigation of said stream: *Provided, however,* that nothing in this act shall be so construed as to require the owner or owners of dams, that have been heretofore built and are now standing across said stream to construct slopes or other improvements at his, her, or their expense: *And provided further,* that nothing in this act shall be so construed as to authorize supervisor or others, making improvements in the navigation of said stream, to tear away, or otherwise injure, any dam that is now across said stream, any further than may be absolutely necessary in making slopes or other additions to said

dams, so as to enable boats or other crafts to pass with safety.

SEC. 7. This act shall be liberally construed, and be in force from and after its passage, and the Secretary of State is directed to furnish the Clerks of the circuit courts in each of the counties of Parke and Montgomery with a certified copy of this act.

CHAPTER CXXXIV.

An Act to repeal certain acts therein named.

[APPROVED, JANUARY 28, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the Lick creek, State of Indiana,* That all laws and parts of laws passed &c. by the General Assembly of this State, declaring Lick creek or Lost river a public highway, be, and the same are hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

CHAPTER CXXXV.

An Act in relation to the three per cent. fund in Monroe county.

[APPROVED, FEBRUARY 11, 1843.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That James Bratney, sen., of the county of Monroe, be, and he is hereby appointed to take charge, and appropriate so much of the three per cent. fund of Monroe county as may have been heretofore directed to be appropriated on the road leading from Bloomington in Monroe county, to Spencer in Owen county.

SEC. 2. That he is hereby authorized and directed to make settlement with any former commissioner or person entrusted with the expending and appropriating any part of the three per cent. fund of said county, on the said road, and to demand, receive, sue for, and recover,

the same, in his own name, by action of debt or assump-
sit, in any court of competent jurisdiction, for the use of
said county, to be appropriated on the road aforesaid,
when so recovered, in repairing the same within the lim-
its of the said county of Monroe.

Bond and security, &c. SEC. 3. That if the said Bratney shall find that there is any money now remaining in the hands of any former commissioner on said road, by the proper examination of the records of Monroe county, he shall, before demanding, receiving, or entering upon the discharge of any further duty than such examination, give a bond with such security and in such penalty as may be deemed sufficient by the board doing county business in Monroe county; after executing the said bond, he shall forthwith proceed to demand, receive, sue for, and recover, such sum or sums as he may find due from, and in the hands of, any former commissioner or agent, or person appointed to disburse, lay out, or expend any of said three per cent. fund on said road in said county of Monroe.

SEC. 4. That so much of the three per cent. fund as may be now due to the county of Monroe, and not otherwise appropriated, be, and the same is hereby appropriated to the repairing of the bridge across Bean Blossom creek in said county, on the road leading from Bloomington to Indianapolis; and William Ellett, of said county, is hereby authorized to expend the same in the most economical and judicious manner, together with whatever sum may be appropriated by the board doing county business in said county; and the said Ellett is hereby authorized to demand and receive, of and from, the State Agent of said three per cent. fund, at Indianapolis, so much of said fund, not exceeding one hundred and fifty dollars, as may now be due said county.

SEC. 5. This act to be in force from and after its passage.

CHAPTER CXXXVI.

A Joint Resolution in relation to the valuation of Mills and Manufactories propelled by water power.

[APPROVED, FEBRUARY 11, 1843.]

Be it resolved by the General Assembly of the State of Indiana, That assessors, in determining the value of Mills and Manufactories propelled by water power leased from the State, shall only make an estimate of the actual value of the buildings and machinery, and not take into consideration the value given to them by the water power, it being the property of the State, for which rent is paid.

This resolution to be in force from and after its passage.

CHAPTER CXXXVII.

A Joint Resolution relative to the Wabash and Erie Canal towing path bridge.

[APPROVED, FEBRUARY 11, 1843.]

WHEREAS, it has been represented by Stearns Fisher, commissioner on the Wabash and Erie canal east of Lafayette, that Robert and Michael English now hold a contract with the State for building the towing path bridge across the Wabash river, and the plan of said bridge has been so far changed, that the present prices will not apply to the new plan lately adopted for said bridge: therefore,

Be it resolved by the General Assembly of the State of Indiana, That the commissioner on the Wabash and Erie canal east of Lafayette, be, and he is hereby authorized to make such change in the contract prices with said Robert and Michael English as will allow them a just and fair compensation for said work, and pay them from time to time as prescribed by an act passed the present session of the General Assembly, approved February 7th, 1843.

This act to be in force from and after its passage.

CHAPTER CXXXVIII.

A Joint Resolution declaring certain provisions of the Revised Statutes to be in force.

[APPROVED, FEBRUARY 13, 1843.]

Revision as to canals, &c., when to be in force. *Be it resolved by the General Assembly of the State of Indiana,* That the provisions of the Revised Statutes "of the canals, railroads, and turnpikes, belonging to the State in whole or in part," passed at the present General Assembly, shall be in force from and after the same shall have been approved by the Governor, except so far as any punishment is thereby prescribed, for offences against said provisions.

This joint resolution to be in force from and after its passage.

OFFICE OF SECRETARY OF STATE,
INDIANAPOLIS, APRIL 4, 1843. }

INDIANA, TO-WIT:

I do certify, that I have compared the foregoing printed acts and joint resolutions with the original rolls on file in my office, and found them correct, with the exception of the words included [thus] inserted to aid the sense.

WILLIAM SHEETS,
Secretary of State.

Extract from the report of the Auditor of Public Accounts, showing "the receipts and expenditures of the public money" for the year 1842.

No. 1. GENERAL REVENUE.

The amount of revenue remaining in the Treasury, provided all warrants audited up to 31st of October, 1841, were paid,

1. The amount of revenue collected and paid by collectors the year ending October 31st, 1841,	\$29,763 07
2. The amount of arrears of taxes, 1837, -	393,248 22
3. The amount of arrears of taxes for 1838, -	475 04
4. The amount of arrears of taxes for 1839, -	12 01
5. The amount of arrears of taxes for 1840, -	1,863 63
6. The amount paid by purchasers of lots in Indianapolis, -	1,163 54
7. The amount paid by administrators of estates without heirs, -	1,369 12
8. The amount of incidental receipts, -	130 24
9. The amount of Treasury loans refunded, -	136 15
10. The amount paid of interest on Treasury loans, -	57 00
11. The amount paid by commissioners of University townships of Gibson and Monroe, -	116 54
12. The amount refunded by borrowers of University Fund, -	1,516 91
13. The amount paid by borrowers of University Fund, as interest on loans, -	4,835 00
14. The amount paid by commissioners of Saline Lands, -	3,445 25
15. The amount refunded by borrowers of Saline Funds, -	1,283 40
16. The amount paid by borrowers of Saline Fund, as interest on loans, -	3,107 00
17. The amount paid by common school fund derived from bank dividends, -	2,046 54
18. The amount of Treasury Notes, -	29,476 32
19. The amount of loans of Indianapolis fund refunded, -	47,000 00
20. The amount collected and paid as delinquent taxes of 1841, -	50 00
21. The amount received of \$5 00 1/4 per cent. Treasury Notes for redemption of the \$50's, -	668 10
22. The amount received from State Library, -	70,000 00
23. The amount received on account of internal improvements, -	7 50
24. The amount of cost of advertising sale of lands mortgaged to Saline Fund, -	116,587 44
	46 00

25. The amount of cost of advertising sales of lands mortgaged to Seminary Fund, - - - -	82 00
26. The amount of damages on sales of lands mortgaged to Seminary Fund, - - - -	182 50
27. The amount overpaid by purchasers of mortgaged lands, Seminary Fund, - - - -	18 95
28. The amount of damages on sales of lands mortgaged to Saline Fund, - - - -	116 25
	<u>\$708,803 72</u>

GENERAL DISBURSEMENTS:

By audited warrants drawn on the Treasury from 31st Oct., 1841, to 1st, Nov., 1842,	\$108,343 72
By warrant No. 4087; revenue 1839, outstanding,	7 86
By warrant No. —; 1839, outstanding,	2 00
By warrant No. —; 1839, outstanding,	2 00
By warrant No. 5760, Pros. Attorney, outstanding,	58 33
By warrant No. 5763, Probate outstanding,	36 00
By warrant No. 5830, same,	18 00
By warrant No. 5771, Seat of Govern't,	400 25
By warrant No. 5839, State Prison,	28 25
By warrant No. 5846, same,	39 50
By warrant No. 5853, Specific,	9 42
By warrant No. 5806, State Library,	354 97
	<u>109,300 30</u>
Balance remaining in Treasury, Nov. 1st, 1842,	<u>\$599,503 42</u>

ITEMS OF EXPENDITURE.

1. Revenue of 1837, refunded to collectors,	\$12 47
2. Revenue of 1838, refunded to collectors,	50
3. Revenue of 1839, refunded to collectors,	144 47
4. Revenue of 1840, refunded to collectors,	669 41
5. Revenue of 1841, refunded to collectors,	266 52
6. Public Printing and distributing laws,	6,170 22
7. Stationery for State,	2,476 13
8. Indiana Legislature,	33,826 39
9. Salaries of Executive Officers,	8,349 81
10. Salaries of Prosecuting Attorneys,	2,091 78
11. Supreme and Circuit Judges,	13,378 59

12. Probate Judges,	4,514 00
13. Adjutant and Quarter Master Generals,	176 73
14. Expenses and repairs of State House,	1,281 90
15. State Library,	803 90
16. Indiana State Prison,	5,111 15
17. Specific appropriations,	3,110 38
18. Contingent Fund for Governor,	1,370 16
19. Wolf scalp certificates,	1 00
20. Electors, &c., of Presidential election,	4 00
21. Seat of Government,	2,532 45
22. Militia fines distributed,	14 00
23. Expenses of Treasury Notes, (old)	87 20
24. Saline Fund expenses,	6 00
25. Saline Fund invested in bank Stock,	4,924 20
26. Loans of Saline Fund,	350 00
27. Mortgaged lands to Saline Fund,	2,842 57
28. Loans of funds of State University,	3,117 05
29. Expenses of State Seminary,	4,556 66
30. Mortgaged lands to State University,	4,717 90
31. Internal Improvements,	196 25
32. Expenses of Governor's House,	535 03
33. Expenses of \$5 Treasury Notes for redemption of \$50's,	705 00
34. Total audited within the year ending November 1st, 1842,	\$108,343 72
35. Balance remaining in Treasury,	599,503 42
36. Outstanding warrants,	956 58
	<u>\$708,803 72</u>

The balance in Treasury is, \$599,503 42

This balance is subject to the following deductions, the amounts having all been carried to the general revenue account, viz:

Balance of Seminary Fund, No. 2,	\$4,107 48
Balance of Saline Fund No. 3,	3,400 62
Balance of estates without heirs, No. 8,	1,532 63
Balance of county seminary fund No. 6,	480 40
Balance of common school fund, derived from bank dividends, No. 4,	56,537 83
Outstanding claims not presented for payment, but due Nov. 1st, 1841,	15,000 00
	<u>81,058 96</u>
Leaving after deductions,	\$518,444 46

This balance consists in Treasury Notes
as follows, viz:

In Wabash and Erie Canal Scrip, east	
Tippecanoe,	\$1,340 00
In Wabash Canal Scrip, west Tipp. ..	98,190 00
In $\frac{1}{4}$ per cent. \$5 scrip, about,	30,000 00
In old 6 per cent. Treasury Notes,	388,914 46
	<u> \$518,444 46</u>

Leaving in the Treasury, as above shown, nothing but Treasury Notes.

ACT OF CONGRESS.

An Act for the apportionment of Representatives among the several States according to the sixth census.

[APPROVED, JUNE 25, 1842.]

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the third day of March, of one thousand eight hundred and forty-three, the House of Representatives shall be composed of members elected by a ratio agreeably to a ratio of one Representative for every seventy thousand six hundred and eighty persons in each State, and of one additional Representative for each State having a fraction greater than one moiety of the said ratio, computed according to the rule prescribed by the Constitution of the United States; that is to say: Within the State of Maine, seven; within the State of New Hampshire, four; within the State of Massachusetts, ten; within the State of Rhode Island, two; within the State of Connecticut, four; within the State of Vermont, four; within the State of New York, thirty-four; within the State of New Jersey, five; within the State of Pennsylvania, twenty-four; within the State of Delaware, one; within the State of Maryland, six; within the State of Virginia, fifteen; within the State of North Carolina, nine; within the State of South Carolina, seven; within the State of Georgia, eight; within the State of Alabama, seven; within the State of Louisiana, four; within the State of Mississippi, four; within the State of Tennessee, eleven; within the State of Kentucky, ten; within the State of Ohio, twenty-one; within the State of Indiana, ten; within the State of Illinois, seven; within the State of Missouri, five; within the State of Arkansas, one; and within the State of Michigan, three.

SEC. 2. *And be it further enacted,* That in every case where a State is entitled to more than one Representative, the number to which each State shall be entitled under this apportionment shall be elected by districts composed of contiguous territory, equal in number to the number of Representatives to which said State may be entitled, no one district electing more than one Representative.

CENSUS OF INDIANA, 1840.

Adams	county,	2,264	Madison	county,	8,874
Allen	"	5,942	Marshall	"	1,651
Blackford	"	1,226	Marion	"	16,080
Bartholomew	"	10,042	Martin	"	3,875
Boone	"	8,121	Miami	"	3,048
Brown	"	2,364	Monroe	"	10,143
Carroll	"	7,819	Montgomery	"	14,438
Cass	"	5,480	Morgan	"	10,741
Clark	"	14,595	Noble	"	2,702
Clay	"	5,567	Orange	"	9,602
Clinton	"	7,508	Owen	"	8,359
Crawford	"	5,282	Parke	"	13,499
Daviess	"	6,720	Perry	"	4,655
Dearborn	"	19,327	Pike	"	4,769
Decatur	"	12,171	Porter	"	2,162
DeKalb	"	1,968	Posey	"	9,683
Delaware	"	8,843	Pulaski	"	561
Dubois	"	3,632	Putnam	"	16,843
Elkhart	"	6,660	Randolph	"	10,684
Fayette	"	9,837	Ripley	"	10,392
Floyd	"	9,454	Rush	"	16,456
Fountain	"	11,218	Scott	"	4,242
Franklin	"	13,349	Shelby	"	12,005
Fulton	"	1,993	Spencer	"	6,305
Gibson	"	8,977	St. Joseph	"	6,425
Grant	"	4,875	Stark	"	149
Greene	"	8,321	Steuben	"	2,578
Hamilton	"	9,855	Sullivan	"	8,315
Hancock	"	7,535	Switzerland	"	9,920
Harrison	"	12,459	Tippecanoe	"	13,724
Hendricks	"	11,264	Union	"	8,017
Henry	"	15,128	Vanderburgh	"	6,250
Huntington	"	1,579	Vermillion	"	8,274
Jackson	"	8,961	Vigo	"	12,076
Jasper	"	1,267	Wabash	"	2,756
Jay	"	3,863	Warrick	"	6,321
Jefferson	"	16,614	Warren	"	5,656
Jennings	"	8,829	Washington	"	15,269
Johnson	"	9,352	Wells	"	1,822
Kosciusko	"	4,170	White	"	1,832
Knox	"	10,657	Whitney	"	1,237
Lagrange	"	3,664	Wayne	"	23,290
Lake	"	1,468	Total,		685,866
Laporte	"	8,184			
Lawrence	"	11,782			

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